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INTERNAL IMPROVEMENTS IN ALABAMA

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PREFACE

This paper is an effort to trace the development of the public highways of Alabama, and to point out their influence upon immigration and settlement. It indicates briefly what has been done within the state by the Federal Government in improving rivers and harbors and in aiding the construction of railroads; and discusses finally the policy of Alabama respecting public aid to such works.

I wish to acknowledge my indebtedness to the late Professor Herbert B. Adams and to Professor J. M. Vincent, from both of whom I received helpful instruction in the methods of historical study; also to Dr. J. C. Ballagh for the suggestion of this topic and for his continued interest during the progress of the work.

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INTERNAL IMPROVEMENTS IN ALABAMA

CHAPTER I

THE DEVELOPMENT OF HIGHWAYS

Indian Paths.

From Indian trails to trade routes, from trade routes to pioneer roads has been the line of evolution along which the public highways of Alabama have developed. When the curtain of Alabama's history first rises the Cherokee Indians were dwelling in their mountain homes in the northeastern portion of the state. West and southwest of the Cherokees were the Chicasas whose territory included the greater part of the Tennessee Valley, embracing the northwestern tier of the present counties of Alabama, reaching westward as far as the headwaters of the Yazoo River in the state of Mississippi.

The western and southwestern portions of the state were occupied by the Choctaws, "The Maubilians with whom De Soto came in collision on the lower Alabama and the Tuskaloosa, and partly exterminated."[1] Their territory, reaching westward from the Tombigbee River, covered all that part of the present state of Mississippi which lies south of latitude 33° 30′.

East of the Choctaws were the Muscogees or Creeks. "When first known to the white colonists," says Brewer, "this domain stretched from the Tombigbee to the Atlantic, but they were gradually driven west of the Ocmulgee and Flint. Their principal towns were on the Talla-

[1] Brewer, Alabama, p. 16.

poosa and Chattahoochee. Their war trail extended to the Mobile Bay and the Florida Everglades." "The Hillabees," the same author continues, "Autaugas, Cussetas, Eufaulas, Ocfuskees, Uchees, etc., were names which attached to the Muscogees residing in those towns."[2]

We thus have a general line of Confederated Creek[3] towns, dotting the territory of Alabama and Georgia, the most easterly of them being located on the site of the present city of Augusta.[4] Each town had its own "Micco" or King, but there was a Grand Chief of the Confederation, who presided over the National Councils and led them to battle. The capital of the nation was Tookabatcha, on the Tallapoosa River, a few miles above its confluence with the Coosa, and here the chiefs and representatives of all the towns gathered annually, in May, to consult on matters of general interest. The towns were brought in touch also by social features, it being a regular custom, for example, for warriors of one town to challenge those of another for a game of ball, their national amusement. The challenge having been accepted, the contestants would repair to the appointed spot, followed by throngs of their respective townsmen, and the battle would be fought amid the shouts of their enthusiastic spectators. This constant contact, town with town, not only resulted in a network of paths running from village to village, uniting the "Upper Creeks" on the Coosa and the Tallapoosa rivers with the "Lower Creeks" on the Chattahoochee, but also produced a well beaten, clearly marked line of communication from the eastern boundaries of Georgia to the west-

[2] To gather in village communities was characteristic of the Creek Indians. Thus, Bartram in his Travels (p. 462), tells us that there were in 1777 "Fifty-five towns, beside many villages not enumerated."

[3] The Muscogee Indians were all called "Creeks" by the English explorers and traders on account of the many beautiful rivers and streams which flowed through their extensive domain. Pickett, vol. i, p. 29.

[4] Pickett, vol i, p. 81.

ern portions of Alabama. This main path, known as the "Southern Trail" led in early times probably from the site of the present Augusta, crossing the Oconee River just below Milledgeville, striking the Ocmulgee at the foot of the Ocmulgee fields,[5] proceeding westward to Coweta (near Columbus) where the Chattahoochee was crossed, thence across the Tallapoosa at Tookabatcha, then almost due west to the Coosa, then up the river to "Coosa Old Town" (in the fork of the Talladega and Kiamulgee Creeks) and from here moving westward across the Cahaba River near Cahaba Old Town and thence into the settlements along the Tombigbee, and running still further to the northwest reaching the Chicasas in northwest Alabama and northeast Mississippi. From Coosa there was also a trail running southwestwardly into the Mobile Country.[6]

Another route leading from the Georgia Country, called the "High Town Path," "started from High Shoals on Apolachi River, which is the southern branch of the Okone River, and went almost due west to 'Shallow Ford' of Chattahuchi River, about twelve miles north of Atlanta, Georgia, in the river bend."[7]

Continuing, the trail led to High Town or Etowah, and the other towns bordering on the Cherokee district and finally reached the Chicasa Country. There were many other similar paths but for our purpose these are the two most important, as the traders from the Carolinas and Georgia followed this general system of paths in penetrating the interior of Alabama and reaching the various Indian tribes with their wares.

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[5] Bartram, Travels, p. 52. These fields were about 70 or 80 miles above the confluence of the Oconee and Ocmulgee rivers.

[6] See map in American Gazetteer, vol i, London, 1762. Reproduced in Winsor's Westward Movement, p. 31.

[7] Gatschet, Migration Legend of the Creek Indians, p. 151. Here the path is called "High Tower Path," but should be as above, as is shown in Carey's American Atlas (Philadelphia, 1795). Reproduced in Winsor's Westward Movement, p. 383. The path was so called from the village "High Town," the most northerly town of the Creeks.

Trading Roads.

In 1702 the French established on the Mobile Bay, at the mouth of Dog River, "Fort St. Louis de la Mobile," the first white settlement ever made in what is now Alabama. These French Colonists, anxious to gain the friendship of all the Indians on the Mobile River and its tributaries, proceeded at once to send out emissaries that treaties of peace and trade might be made. This point, Mobile,[8] early became the capital of French-America. Their plan was to form a strong line of forts,[9] along the Mississippi Valley, from the Gulf to the Great Lakes, and thus prepare themselves to resist the pressure of the expansive English, and to control the trade of the Indians.

But the colonists of Carolina, as is characteristic of the English stock, had already heard "the voice of duty," had already taken up the "white man's burden" and were carrying some of the "blessings of civilization" to these Indian tribes. These pioneer traders had two paths, one leading from Charleston by the Indian town Keowee (near the source of the Savannah River and where Fort Prince George was built in 1755) thence westward along the ridge dividing the tributaries of the Tennessee and Savannah Rivers, thus practically following the boundaries between the Creek and Cherokee towns, and then following at will the "High Town Path," already described, and leading ultimately into the Chicasa Country.

Another route, and the one most formidable to French interests, was the old Indian trail mentioned above as the

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[8] In 1711 the fort was moved further up the bay to the mouth of Mobile river, thus establishing the present site of Mobile.

[9] Among others may be mentioned Fort Toulouse, established in 1714, at the confluence of the Coosa and Tallapoosa; Fort Tombecbe, in 1735 on the Little Tombigbee river, at what is now Jones' Bluff; Fort Assumption, on the Chicasa Bluff, now Memphis, here a trading post was established by LaSalle as early as 1673; Fort Duquesne, at the mouth of the Monongahela, near Pittsburg, in 1754.

"Southern Trail" and which Bartram in his "Travels" calls the "Great Trading Path." At a very early date the Carolinians had established Fort Moore, near where the present Augusta, Georgia, is situated, as a frontier trading post. Hard by, on the same river, was Silver Bluff, "A pleasant villa, the property and seat of G. Golphen, Esquire, a gentleman of very distinguished talents and great liberality, who possessed the most extensive trade, connections and influence, amongst the south and southwest Indian tribes, particularly with the Creeks and Choctaws."[10] This being the site of an old Creek town, as already mentioned, and being the terminal point of the old Creek trail, accounts in a measure for the location of these three points. Along this trail the traders and emissaries from Carolina pushed their way into the Creek Country, and the Georgians after the founding of their colony in 1732, at once proceeded to add to their numbers in pushing the Red Man westward and following him with their wares.

The French usually carried on their trade from Mobile by river; there was, however, a land route to Fort Toulouse.[11] There was also a good road running through the Choctaw Country west of, and not far from the Tombigbee and Mobile rivers by which the Choctaws traded with the French. Another road ran from Mobile to the Chicasa towns.[12] There were, likewise, routes by which the traders from Pensacola reached the Choctaws and Creeks.

These main routes, intersected as they were by many hunting paths, were not easily followed by any but a "good

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[10] Bartram, p. 312.

[11] Fort Toulouse was built by Bienville in 1714, near the junction of the Coosa and Tallapoosa rivers, a strategic position for controlling the Indian trade. Upon its abandoned site was erected Fort Jackson a century later. To checkmate this French move the Georgia colonists built a stockade about forty miles further up on the Tallapoosa, and this fort, Ocfuskee, for several years served as the rendezvous of the British traders. Pickett, Alabama. Adair, American Indians.

[12] Dow's Life and Works, p. 101.

woodsman" as the pioneer Methodist preacher, Lorenzo Dow, notes of his trip in 1803 from the Oconee River to the Natchez Country. Although he had provided himself with a map and with a compass he frequently lost his way, the one on whom he "depended as guide knowing nothing about the roads." The distance of four hundred miles from the Oconee to the Alabama Rivers he made in thirteen and a half days.

In 1776 the English botanist, Bartram, joined a company of traders in Georgia, and with them made the trip through the Creek Country to Mobile. Of this he gives us an interesting sketch,[13] from which we may gather some idea as to the modes of travel along these roads. The band, consisting of twenty men and sixty horses, fording the Oconee, the Ocmulgee, and the Flint, pushed westward to the Chattahoochee at Uchee Town (near the present Columbus) where the Indians carried their goods across in canoes. Then the traders dispersed among the Indian towns while Bartram wended his way to Mobile. Passing Coolome, a trading center near the junction of the Coosa and Tallapoosa, he moved along parallel with the Alabama near the present site of Montgomery. Here the trail bears away to the south, leaving the Alabama at some distance, crossing the head waters of the "Schambe" (Escambia) River and finally reaching Taensa about thirty miles above "Fort Conde" or "City of Mobile."

He returned in November, 1777, by practically the same route, with another trading band consisting of the "chief trader," two packhorsemen, with twenty to thirty horses, sixteen of which were alternately loaded with packs of one hundred and fifty pounds each. "They seldom decamp," the author declares, "until the sun is high and hot; each one having a whip of the toughest cow skin, they start all at once, the horses having ranged themselves in regular Indian file,—then the chief drives with the crack

[13] Bartram's Travels, pp. 372-461.

of his whip and a whoop or shriek, which rings through the forests and plains—when we start all at once, keeping up a brisk and constant trot, which is incessantly urged and continued as long as the miserable creatures are able to move forward,—every horse has a bell on which being stopped when we start in the morning with a twist of grass or leaves, soon shakes out and they are never stopped again during the day. The constant ringing of the bells, smacking of whips, whooping, and too frequent cursing these miserable quadrupeds cause an incessant uproar and confusion inexpressibly disagreeable." The merchandise was conveyed across the swollen streams on rude rafts made of trunks of trees and bundles of cane bound together by vines and withes. A narrower stream they would cross by a "sapling felled across it, which is called a raccoon bridge." Over this the traders could lightly trip with a load of a hundred pounds, while Bartram "was scarcely able to shuffle himself along over it astride." "A portable leather boat about eight feet long, of thick sole-leather, folded up and carried" on their horses was another device these traders employed in crossing streams. These boats with the help of a few saplings for "keels and gunwhales" could be rigged up in half an hour and would carry "ten horse loads" according to Adair. The latter tells us that "few take the trouble to paddle the canoe, for as they are commonly hardy and also of an amphibious nature, they usually jump into the river and thrust it through the deep part of the water to the opposite shore."[34]

Federal Roads.

The clauses in the Constitution of the United States which empower the Federal Congress "To provide for the Common Defense and general Welfare" of the nation

[34] Adair, American Indians, London, 1775.
Adair was an English trader who resided for forty years among the Creeks and long held them to the English side in spite of the efforts of the French.

and "To establish Post Offices and Post Roads," subject as they have been to very elastic interpretations, form the basis upon which have been founded the policy and practice of internal improvements by the Federal Government. We find that James Madison in 1796 advocated the examination and survey of a "general route most proper for the transportation of the mail from Maine to Georgia."[15]

By act of May 17, 1796, it was declared that "three tracts of land, not exceeding one mile square each" should be granted to Ebenezer Zane for opening a road from Wheeling to Limestone (Maysville, Kentucky) and for the establishment of ferries over the Muskingum, Hocking, and Scioto Rivers.[16] This road, as will be seen, lay throughout its entire length in territorial lands, and was the first item of internal improvement to receive aid from the Federal Government. "From that day to the present" (1824), says Benton, "Congress has been making these roads without reference to the Constitution, because universally held that the Constitution did not extend to territories. In my thirty-two years of congressional service I can well say, I never heard a question raised about the right of Congress to make in the territories the local improvements which it pleased. I have seen members of all political schools constantly voting for such objects—the strict constructionist generally inquiring if the road was limited to the territory, and voting for the bill if it was."[17]

The theory was that no state sovereignty would thus be infringed upon. Territories are the "property of Congress, subject only to the conditions upon which they were ceded by the states or foreign nations, and Congress acted with them without reference to the Constitution of the United States,"[18] but according to the Territorial ordi-

[15] Benton, Debates of Congress, vol. i, p. 637.
[16] United States Statutes at Large.
[17] Benton, Debates of Congress, vol. vii, p. 617.
[18] Ibid.

nance of July 13, 1787, which had been given them by Congress and which the latter could modify.

Under Act of May 1, 1802, the Secretary of the Treasury was empowered to have "viewed, marked and opened such roads within the territory northwest of the Ohio as, in his opinion, will best serve to promote the sale of the public lands in the future."[29] For this purpose six thousand dollars were appropriated from the moneys received from the sale of public lands.

Now if it is good for the "National welfare," to provide roads within a territory why is it not also advantageous to construct roads leading from the states into the territories? Immigration would thus be encouraged, values of public lands enhanced, and close commercial relations would develop a strong feeling of national unity. The step was easily made; and on March 29, 1806, came the Act authorizing the opening of a road from Cumberland, in Maryland, to the Ohio River in Ohio. For the opening of the road thirty thousand dollars were appropriated from the proceeds of public land sales. If the funds derived from the sale of public lands could thus be constitutionally applied why not any other funds in the treasury?

Thus was driven the entering wedge. The precedent was established, and gradually the strict constructionists surrendered their position as sticklers for the Constitution and joined the pellmell rush, the game of grab. This, of course, developed at a much later period than the one with which we are now dealing; but we see that the idea was already in the public mind.

By 1800 the Spanish government had at last (in 1795) acceded to the claims of the United States to all the territory north of the thirty-first degree, Colonel Ellicott had marked this southern boundary line (in 1798-9), the Spanish garrisons had evacuated Fort St. Stephens[30] and Fort

[29] United States Statutes at Large.

[30] Established by the Spanish about 1786.

Tombecbe[21] (called by the Spanish Fort Confederation) and Congress (in 1798) had organized the Mississippi Territory. The white population of that part of the Mississippi Territory which afterwards became Alabama were confined to the settlements around Tensaw (near Nannahubba Island), St. Stephens, and Tombecbee.[22] It consisted of those who had been stranded from the French colonies (who held the region till 1763), of those who remained from the Spanish colonies (who claimed and held these districts from 1783 to 1798) and of the few Americans who had filtered through the wilds from Georgia.[23] To protect these isolated colonists from the surrounding Indians and from the intriguing Spaniards just below them, and to encourage immigration into the territory the Federal Government soon proceeded to construct two roads, one leading into the Natchez settlement on the Mississippi River, and another leading into the settlement along the lower Alabama. On October 24, 1801, a treaty was made with the Chickasaw Indians (approved by the United States Senate May 1, 1802) by which a "wagon road" was allowed through their lands from "The Mero District in the State of Tennessee" to the Natchez settlements. For this privilege "The Commissioners of the United States give to the Mingco of the Chicasaws and the deputation of that nation goods to the value of seven hundred dollars."[24] On the

[21] Established by the French in 1735. Near the present Jones' Bluff, Sumter County.

[22] The population of the whole county of Washington, then extending from the Pearl to the Chattahoochee, was only 733 whites and 517 negroes. The population of what is now Mobile and Baldwin counties, then Spanish territory, was probably as large. Brewer's Alabama, p. 26.

[23] Bartram in 1777 speaks of meeting "A company of immigrants from Georgia; a man, his wife, a young woman, several young children and three stout young men, with about a dozen horses loaded with their property." He was informed that they were "to settle on the Alabama a few miles above the confluence of the Tombigbee." These were among the earliest immigrants to Alabama. Bartram's Travels, p. 441.

[24] United States Statutes at Large, vol. vii, p. 65.

17th of the following December a treaty was likewise secured by the same commissioners granting the right to continue this road through the lands of the Choctaws. For this concession the Choctaws were paid "the value of two thousand dollars in goods and merchandise, nett cost of Philadelphia,"[35] and "three sets of blacksmith's tools."

This road called the "Nashville to Natchez" road had been the line of an old Indian trail,[36] crossing the Tennessee River at Muscle Shoals where the United States by treaty of January 10, 1786, had obtained a grant of land for a trading post.[37] A treaty of November 14, 1805, granted the United States "the right to a horse path through the Creek Country from the Ocmulgee to the Mobile—and to clear out the same and lay logs over the creeks." The Indians were to provide boats at the several rivers for conveyance of men and horses, and also houses of entertainment for the accommodation of travelers; for all these accommodations the prices should be regulated by "the present Agent, Colonel Hawkins,[38] or by his successor in office." By act of April 21, 1806, appropriations were made for the opening of these two roads; six thousand dollars for the one from Nashville to Natchez, and six thousand four hundred dollars for the one from frontier of Georgia on the route to New Orleans to the intersection with 31° of north latitude.[39] Both were duly opened up

[35] Ibid., p. 66.

[36] History of Tennessee, Phelan, pp. 171, 179, 277.

[37] United States Statutes at Large, vol. vii, p. 24.

[38] Colonel Benjamin Hawkins was appointed by President Jefferson as agent to the Creeks. He established what became known as the "Old Agency" at the point where the trade route crossed the Flint river. Around this settlement grew up the town Francisville, so called from Francis Bacon, who married the daughter of Colonel Hawkins, and who infused new life into the little settlement. After the completion of the railway from Columbus to Macon the business of Francisville was absorbed by other points, and the little town soon passed into oblivion. "Dead Towns of Georgia," in vol. iv of "Collections of Georgia Historical Society," p. 241.

[39] United States Statutes at Large.

and the former long continued the post road into the Natchez district, while the latter became the great thoroughfare of early Alabama.

Fort Stoddard was a post which had been built in 1799[20] by the Federal Government as a port of entry just above Ellicott's line (31°) and this became the terminal point of the Georgia-Alabama Road. From Fort Stoddard (the site of the present Mt. Vernon) the road crossed Mim's Ferry.[21] Nannahubba Island and Hollinger's Ferry, then following, in general, the ridge which divides the tributaries of the Alabama from those of the Gulf (thus practically the line of the old trade route) to Columbus on the Chattahoochee. With these small appropriations the roads were merely blazed through the woods, though at once honored with the dignified title of "Federal Roads."

For the extension and improvement of these roads appropriations were made, from time to time, as follows:[22]

For the Nashville-Natchez route;[23]

Act of April 21, 1806	$6,000
Act of April 27, 1816	5,000
Act of March 27, 1818	5,000
Act of March 3, 1823	7,920

For the Georgia-Alabama route;

Act of April 21, 1806	6,400
Act of February 17, 1809	5,000[24]
Act of April 27, 1816	5,000[25]

[20] Pickett, vol. ii, p. 179.

[21] Established in 1797. Pickett, ii, p. 179; also Publications of Alabama Historical Society, vol. ii, p. 167.

[22] Statutes at Large.

[23] This road was of more importance to Mississippi. Its influence upon the settlement of the northwest portions of Alabama will, however, warrant the above summary.

[24] The President, empowered by an Act of March 3, 1807, had obtained permission from Spain to continue the road from Fort Stoddard to New Orleans. For this purpose the above appropriation was made.

[25] The importance of a better road, affording better military connections with this section had been impressed on Congress by the recent events in the southwest during the closing days of the War of 1812. House Report 61, 13th Congress, 3rd session.

Act of March 27, 1818	$ 5,000
Act of April 14, 1820	3,300
Act of May 20, 1826	6,000
Act of February 20, 1833	2,000
	20,000
Act of July 7, 1838	1,945.50

The Act of February 20, 1833, authorized the opening of a new post road through the Indian Country from Line Creek in Alabama to the Chattahoochee opposite Columbus. The three thousand dollars were to repair the old road (which had become well-nigh impassable, especially through the swampy lowlands during the winter season) for use till the new one could be put through. The President was authorized to employ a superintendent, upon an annual salary of a thousand dollars, who should supervise the construction of this new road. "To close the accounts for laying out and construction of this 'Mail Route' and to pay the 'balance due the contractor and workmen'" the appropriation of July 7, 1838, was made. The new road, called "The Upper Federal Road" was to the north of the old route, was on higher ground, and was generally used during the rainy season; the old road continued in use during open weather.

These amounts, together with three thousand dollars appropriated[86] "for the completion and improvement of the military road" from Pensacola by Blakely to Mobile, and one thousand one hundred and thirty-eight dollars for military road from Pensacola to Fort Mitchell, opened in 1824, sum up the federal aid to road building in Alabama.

Lieutenant McLeary, in 1799, had opened a rough military road from Natchez to St. Stephens when he marched across to take charge of the latter place after the evacuation of the Spaniards.[87] At an early date a road was cut from St. Stephens, crossing the Alabama at Claiborne, and

[86] Act March 2, 1829. Statutes At Large.

[87] Pickett, vol. xi, p. 179; Publications of Alabama Historical Society, vol. xi, p. 166.

joining the Federal road to the east. A horse path had been opened through the Chickasaw territory, intersecting the Nashville-Natchez road at Colbert's Ferry (Muscle Shoals);[38] the road from Georgia had been extended from Fort Stoddard to Natchez.[39]

In 1805 was obtained the right to a road from "Tellico to Tombigbee" inasmuch as the "mail of the United States from Knoxille to New Orleans" had been "ordered to be carried through the Cherokee, Creek, and Choctaw countries."[40] On this road the little village of Huntsville began in 1806. It was known as the "Knoxville Road" and was of much importance in the settlement of the northern part of Alabama. Thus by 1810 the St. Stephens District was fairly well connected with the older states by rough, pioneer roads and immigrants began to flock in from all quarters. The principal immigrant route, however, was that from Georgia, through the Creek Country to Fort Stoddard. Along this route came settlers from Virginia, the Carolinas and Georgia; some on horse-back, their effects on pack-saddles, and others used the rolling hogshead.[41]

An idea of the difficulties under which immigrants labored along these pioneer roads may be gathered from descriptions in books of early travel. In 1810 Peggy Dow gives us a description of her trip from the Natchez Country[42] into Georgia. As she passed the last house of Natchez and entered the "vast wilderness" she tells us "my heart trembled at the thought of sleeping out in this place with no companion but my husband." Coming to a place

[38] Pickett, vol. xi, p. 234.
[39] By Act of the Legislature of the Mississippi Territory. Hamilton: Colonial Mobile. 348.
[40] Treaty with Cherokees, October 27, 1805.
[41] Goods were packed in a hogshead, trunnions, or the equivalent, put in the ends, and to them were attached shafts by which an ox or horse would draw it along. P. J. Hamilton: Publication of the Alabama Historical Society, vol. xi, p. 50.
[42] Dow's Life and Works, pp. 221-223.

where were found water and plenty of cane for the horses they struck camp for the night, built a fire, ate a supper of coffee and hard biscuit, then rested for the night on their blankets, "the wide extended concave of Heaven bespangled with stars" affording a majestic scene; while the "lonely desert uninhabited by any creature but wild beasts and savages" made her feel very much alarmed. Proceeding the next day forty miles they crossed the Pearl in a ferry-boat and slept "in a house, such as it was, that belonged to a half-breed." Passing by "Hell Hole, a dreadful slough," they crossed a creek (probably Leaf River) and becoming involved by the many little divisions of the road secured the services of an Indian guide and late at night reached the home of one Noles on the Chickasowha River about "thirty miles from the settlement on the Tombigbee." The next day, proceeding "through some delightful country" they reached "the first house that was inhabited by white people." The Tombigbee was crossed by ferry-boat at St. Stephens, the Alabama was crossed at a "ferry[48] kept by a man who was a mixture," where they stayed that night, and the next day they "struck the road that had been cut out by the order of the President."

"This made it more pleasant for traveling" the author continues, "and then we frequently met people removing from the states to the Tombigbee and other parts of the Mississippi Territory." Following as guide the "fresh marked trees" they crossed Murder Creek, the Chattahoochee "and reached Colonel Hawkins'" where the writer "felt grateful to the God of all grace for his tender care over us while in this dreary part of the land where our ears had been saluted by the hideous yells of the wolf, and had been surrounded by the savages more wild and fierce than they."

In 1818 Rev. John Owen moved with his family and effects, by wagon, from near Norfolk in Virginia to Tus-

[48] At Fort Claiborne.

caloosa, Alabama. Passing through Beauford's Gap of the Alleghanies, down the Holston Valley, by Knoxville, thence to the Tennessee River, crossing possibly at Nickajack, by Jones' Valley (near Birmingham of our day) he reached his destination after "nine weeks traveling, over broken roads, and exposed to every danger." He thought the roads in old Virginia were bad, but even his experience there had not prepared him for the shocks and jostles to be endured along the "infernal roads" of this new territory."

The Federal Road from Georgia to Alabama soon became the continuation of the stage line which connected Washington with the Southern States. In 1820 Adam Hodgson, an Englishman, traveled along this line from Washington to Mobile and in his "Letters from North America" (London, 1824) gives us a good idea of those days of westward movement. He left Washington on January 20th, 1820, in the "Mail stage, a mere covered wagon, open at the front" to which were attached four horses. Passing through Richmond and Petersburg (Virginia), Raleigh, Fayetteville and Lumberton (North Carolina), Georgetown and Charleston (South Carolina), he reached Savannah, Georgia, the stage having made an average on the trip of three and three quarter miles per hour.

"This," he complains, "is wretchedly poor traveling in the only public conveyance between Washington and the Southern States, yet this vehicle is dignified by the title of the 'United States Mail,' although it is only an open wagon and four, with curtains which unfurl; and the mail bags lie lumbering about your feet, among the trunks and packages which the passengers smuggle into the carriage" to obviate the danger of their falling off or being stolen, all baggage usually being merely "thrown on be-

" The Journal of Rev. John Owen, published by Thos. M. Owen in the "Publications of the Southern History Association," April, 1897, vol. i, p. 89. Quoted in "Publications of the Alabama Historical Society," vol. xi, p. 53.

hind." From Savannah Hodgson passed up the river by boat to Augusta and from here proceeded to Mobile on horseback. Milledgeville, then the Capital of Georgia, Fort Hawkins on the Ocmulgee, the Indian Agency on the Flint, Coseta on the Chattahoochee (modern Columbus), Fort Bainbridge, Caleebe and Cubahatchee swamps, Line Creek, Point Comfort, Pine Barren Springs, Fort Dale, Murder Creek, Burnt Corn, and Blakely are all successively mentioned, some of which may be seen on the map of Alabama to-day, and enable us to trace the route of the old Federal road along which the early settlers moved from Virginia, Georgia and the Carolinas into the Gulf States.

"The road, though tolerable for horses," he thought would be regarded in England as utterly impassable for wheels. Lonely stretches undotted for forty or fifty miles by a single house, often came into the experience of our traveler, the occasional inns were rude in structure, furnished in no very pretentious manner. As an example of the hotel facilities to be enjoyed, Hodgson describes the inn at Coweta as having only one bed room "with three beds such as they were," a log building, with clay floor and no windows. The proprietor of the inn, an adventurer from Philadelphia, arranged his prices so as to carry the conviction that he was not in the business merely for amusement but had come to exploit the necessities of the traveler.

To avoid wounding the feelings of the kind hearted hosts and hostesses he would sleep in these rather crowded and camp-like apartments when often he really envied his servant who had been compelled to seek his night's repose in the hay loft.[46]

In January, 1835, Featherstonhaugh, another English tourist, passed along the same route from Montgomery, Alabama, to Richmond, Virginia. At Montgomery he learned that the mail stages, owing to bad roads, were

[46] A. Hodgson: Letters from North America. London (1824).

unable to run and mails were, therefore, sent on horseback. Unwilling to wait until late in the spring to secure passage, "after a good deal of chaffering" he finally agreed to give sixty-five dollars, as hire, for a "miserable vehickle and a pair of wretched horses" to conduct him to Columbus, Georgia, a distance of ninety miles. The road was found "quite answering to the description" which had been given, "being so frightfully cut up as to render it much more preferable to walk wherever the road was sufficiently dry. The black fellow who drove seemed to take it quite philosophically, observing nothing unusual in the kind of rocking and bouncing motion" and seemed to think the traveler not quite in his senses for preferring to walk when he had paid so much for riding.

By the close of the first day's travel he was reconciled to the liveryman's high charge of four shillings per mile, for they were only able to make fourteen miles during the day and he was persuaded that "such a performance could not be gotten up for less money in any part of the world." Almost unbroken lines of immigrants were daily passed, bringing with them their negro slaves. The women and children were drawn slowly along in heavy wagons while the hardy and dusky men, on foot, trudged wearily over the heavy road to their new and more southern homes. A thousand slaves moving thus, on foot, would be passed in a single day.[46] The distance to Columbus, ninety miles, was made only after four days of tedious travel. The greater portion of the road thus traversed lay within the lands yet occupied by the Creek Indians and over which the state of Alabama, therefore, had no jurisdiction; from the description given of this road we see that the appropriations from the Federal Government in 1833 and 1838 were made none too soon.

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[46] Featherstonhaugh: The Slave States.

Stage and Express Lines.

From 1832 to 1838 the Indian tribes of Alabama were being pushed to their more western homes and by 1839 the last of these aboriginal tribes had passed beyond the Mississippi.[47] We have already seen the tides of immigration flowing in, anticipating the throwing open of these vacated lands. The population had now become sufficiently dense, and the travel and traffic sufficiently great, to justify the conduct of three separate lines of stages along the old Federal road from Columbus to Montgomery, the "Mail Line," the "Telegraph Line" and the "People's Line."[48]

The coaches, usually built open for summer use, were, during the winter, closed in with painted canvas, or oil cloth, "but so loosely as to let in the cold air in every part," and were made as heavy and strong as the union of wood and iron could make them. These coaches usually contained three seats, the middle often provided with a broad leather strap to lean back upon and which was generally reserved for the ladies. To this vehicle two, four, or on the worst roads six horses would be attached. The driver and team were changed at the successive stages recurring at distances of from twelve to fifteen miles. The passengers, at the call of the driver, would sway their bodies to right or left, and even lean far out of the windows as the necessity arose, to keep in balance the coach as it was about to be upset. Delays at the small post offices and occasional "break-downs" kept the speed down to about four or five miles an hour. To the complaints of the passengers the patient driver would often reply that even the locomotive (which was already beginning to threaten his future) could do no better if put on these swamps and that the most that can be said is "that each kind of vehicle runs fastest on its own line of road." For these comforts and conveniences the

[47] Brewer: Alabama, pp. 50-54.
[48] Buckingham: Slave States.

passengers usually paid a dollar for eight or ten miles with no extra charge for delays, bumps, and occasional injuries. The fare often varied, however, according to the sharpness of rivalry between competing lines. For example, while the "Mail Line" was the only one in operation the charge from Macon to Columbus, Georgia, a distance of ninety miles, was twenty dollars. A second line reduced it to ten dollars. A third line followed and reduced it to five dollars. The two former lines then reduced their rates to one dollar. The latest company then carried their passengers for nothing, while the hotels furnished them with dinner and champagne at the expense of the coach proprietors. The three lines soon tired of this "cut throat" rate, and forming a "combine" adopted a uniform schedule of ten dollars per ninety miles.[49]

Along this old Federal Road was established the "Express Mail," a device for rapid transmission of news and of market reports of sufficient importance to warrant the extra expense in their conveyance between the different towns and cities. The terminal points of this line were New York and New Orleans. Between these two points five hundred horses and two hundred boys, as riders, were employed. Each boy rode a distance of twelve miles out and twelve miles back. By thus placing a relay of horses at each of these successive intervals an average speed was maintained of about fourteen miles per hour.[50]

Both the expensive "Express Mail" and the stage-coach system which had spread its network of lines throughout the state were soon destined to succumb to the railroad, which had already made its appearance in Alabama.[51]

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[49] Buckingham: Slave States, 1839.

[50] Buckingham: Slave States.

[51] The first railway laid in Alabama was completed in 1833. Brewer's Alabama, p. 98.

Road System of Alabama.

By act of Congress approved May 10, 1798, the land between the Chattahoochee and the Mississippi rivers and lying between 31° and 32° 28′ north latitude was created into the Mississippi Territory. At an early date[82] the territorial legislature enacted a road law. This system was inherited by the territory, and later by the state, of Alabama, and remains in vogue to-day, practically without change.[83]

The Courts of County Commissioners have original jurisdiction over the establishment, discontinuance, change, and repair of roads, bridges, causeways and ferries within the county. Four Commissioners, elected by the qualified voters of the county every four years, with the Probate Judge constitute the court. This court selects apportioners for each election precinct and these apportioners divide the roads within their precincts into sections designating a certain number of hands and appointing an overseer for each section. Not more than ten days labor may be required annually of every able-bodied man between the ages of eighteen and forty-five, for keeping roads in repair, and in some counties special acts allow this service to be commuted in money. It is hardly necessary to state that this system has not produced any earnestness of purpose for the improvement of highways, and the economy of good roads has been unappreciated and certainly has never been realized in Alabama.

During the early years of the state many companies were incorporated for the purpose of constructing turnpike roads. They were chartered for a limited number of years (often twenty), toll-gates were authorized at intervals of five miles, and the charges were fixed by the act of incorporation. An estimate of tolls charged may be

[82] Act of March 1, 1805. Turner's Digest of the laws of the Mississippi Territory.

[83] Acts of Alabama Territory, 1818. Code Alabama, 1896.

gathered from an act of January 13, 1826, authorizing W. H. Ragsdale and his associates to build a turnpike road in Franklin County.

Rates were stipulated as follows:[55]

Each loaded wagon and team	$1.00
Each empty wagon and team	.75
Each cart, wagon and team	.50
Each pleasure four-wheel carriage	1.00
Each pleasure two-wheel carriage	.50
Man and horse	.12½
For each led horse	.06¼
Cattle per head	.04
Goats, sheep and hogs per head	.01

" The Blakely and Greenville Turnpike Company " incorporated in 1824, was authorized to charge for every five miles.[56]

For each pleasure four-wheel carriage	$ .50
Each horse or ox wagon	.25
Man and horse	.12½
Loose horses, cattle, hogs and sheep per head	.02

By terms of this charter the Legislature was empowered at any time it might see fit, to examine the books of the company; the tolls received were never to exceed twenty-five per cent (annually) on the capital actually invested, nor should they fall below twelve and a half per cent of the same. The County Courts were to supervise the repairs of the roads, no tolls were to be allowed when the roads were out of repair, and the tolls should be raised or lowered as found necessary to keep the profits within the stated limits. The mails, express messengers, troops of State and Federal governments, all footmen, persons going to and from public worship, laborers going to and from their fields were usually exempted by the charters from all tolls.

From 1847 to 1853 may be called the era of plank-road

[55] Acts of Legislature, 1825-26.
[56] Acts of Legislature, 1824.

building in Alabama. Twenty-four companies, for example, were incorporated by the Legislature during the session 1849-50 for the purpose of constructing plank-roads.[57] Some of these projected plans were put into execution,[58] but the same session of the Legislature incorporated several new railroad companies thus indicating that the active railroad spirit was already present before which the impulse to plank-road building was soon to decline, in fact to disappear.

The people of Alabama during the thirties and forties, manifested a spirit of nervousness, feeling that they were being outstripped by the sister states, many of whom were lending substantial aid to works of internal improvement. Pressure was, therefore, repeatedly brought to bear upon Legislature and Governors to induce them to embark in a policy of state aid to river and canal improvements, turnpike and plank-road building.

That this enthusiastic spirit was held in check is due largely to the fact that the state was in great financial straights, resulting from the failure of the Bank of Alabama. An approximate loss of seven million dollars was entailed upon the state by the collapse of this institution, all of the debts of the Bank having been assumed by the state.[59] In Alabama during the decade 1845-55 a high rate of taxation was necessary to meet the interest on the public debt. A depleted State Treasury, a high tax rate and the permanent impression that the state, judged either as to efficiency or integrity, was not the best manager and promoter of financial enterprises,—all served as influences

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[57] Acts of the Legislature, 1849-50.

[58] Governor Collier's Message, November, 1851.

[59] Alabama's State Bank: Article by J. H. Fitts in Bankers' Law Journal for June, 1895. Brewer: Alabama, p. 53. Messages of Governors, December 3, 1838, and December 16, 1845. J. L. M. Curry: Tract on "Hon. Francis M. Lyon as Commissioner and Trustee of Alabama." Garrett's Reminiscences, pp. 43, 63, 212, 217, 255, 258, 267, 275, 278, 670.

to discourage the policy of public aid throughout the entire period ending with the Civil War.

State aid to internal improvements was thus regarded as infeasible in Alabama during the very period when other states were most active in such work. Only small appropriations and loans were made to plank-road companies from the "two and three per cent funds" and these will be discussed at a later point.

In recent years several counties of Alabama have been empowered by the Legislature to issue bonds for the improvement of roads, and powers of taxation granted by which these bonds are to be retired. In other counties power has been granted of assessing a road-tax, which must be paid out of the general levy. The counties of Montgomery, Jefferson, Madison, Colbert, and Lauderdale many miles of macadam road have thus been built and the manifest advantages bid fair to increase the spirit and further the work of improvement.

CHAPTER II

RIVER AND HARBOR IMPROVEMENT

State Aid

Alabama ranks among the first states of the Union in the number, extent, and value of her magnificent water lines. Every section, and nearly every county, of the state is watered, and afforded commercial facilities by some one or more of its navigable rivers. Professor Tuomey, the first State Geologist of Alabama, said in one of his reports: "There is scarcely an extensive and really valuable agricultural tract in the State that has not its navigable stream." This region is traversed by two great systems of waterways, (1) the Tennessee with its tributaries, connecting North Alabama with the Mississippi; and (2) that group of rivers which drain much the largest part of Alabama together with considerable portions of Georgia and Mississippi also, and find a common outlet into the Gulf of Mexico through the waters of the Mobile Bay.

This latter system, converging at Mobile, spreading out, fan-shaped over magnificent timber regions, over fertile agricultural districts, and reaching into the center of the inexhaustible coal and iron deposits of North Alabama, affords a field for improvement the merits of which are probably unsurpassed by any water system within the United States. The improvements which have been made upon these waters have been due almost exclusively to the Federal Government, the state of Alabama having done practically nothing along this line. Rivalries between the different sections of the state caused hitches in legislation which for a long time prevented application even of the three and two per cent funds to the purpose

for which they were set apart by Congress. In the early days of settlement no adequate system of revenue existed, the citizens were heavily burdened to meet the maturing payments for public lands which they had purchased. The population, too, was more or less shifting, and the spirit of internal improvements, so prominent in other states, was not so enthusiastically felt in Alabama. The importance of improving the rivers was realized, no doubt, but the movement was held in check by the drain on the currency for public lands and later by the financial convulsions and heavy taxation resulting from the disastrous banking scheme in which the state so early embarked. The Constitution under which the state was admitted to the Union provided for obtaining "accurate knowledge of such objects as may be proper for improvement and for making a systematic and economical application of means appropriated to them."[1] Governor Bibb, in his message of October 26, 1819,[2] recommended "the appointment of a skilled engineer, whose duties it shall be to examine the rivers within our limits with reference to the expediency and expense of improving navigation of each, and also the nearest and most eligible approach which can be made between the waters of the Tennessee and Mobile rivers."

The Legislature, accordingly authorized the examination, under the supervision of the executive, of some of the most conspicuous points of improvement. A competent engineer was employed and some examinations were made but no improvements materialized. In 1821, Governor Pickens recommended the establishment of a permanent board of internal improvements, and suggested that such a board could act without friction from sectional rivalry and would be free from "hauling" influences. He again emphasized the necessity of a canal by which the Tennessee and the Alabama rivers were to be connected.[3] This canal

[1] Constitution of 1819, Article vi, Section 21.
[2] House Journal, 1819-20.
[3] Message of Governor Pickens: House Journal, Nov. 9, 1821.

project was a plan long cherished by the people of Alabama as a means of more closely uniting the northern and southern sections of the state. The mountain barriers which separated the Tennessee Valley region from the more southern portions of the state prevented that full unity of interest and harmony in feeling which are so essential to the life of a government, and in the formation of which close commercial relations are so potent. Commercially, North Alabama was more closely connected with Louisiana than with South Alabama. Their products were shipped down the Tennessee, Ohio and Mississippi rivers to New Orleans a distance of 1500 miles, and from the latter point the greater portion of their supplies was purchased. On account of the shoals in the Tennessee River even this means of transportation was blocked for a great part of the year, and markets had to be sought at Savannah, Augusta or Charleston. The approximate distance from the Tennessee Valley section to these three points was six hundred miles. From fifty to one hundred and fifty miles of this route had to be covered by wagons for at least one-half of the year.[4] This inconvenient and expensive method of transportation for many years proved a heavy incubus to the industrial development of the North-Alabama section. Emphasizing the importance of this canal scheme, Governor Gayle, in his message of 1834, stated that such a canal, uniting the Tennessee and the Alabama systems would carry to Mobile annually 150,000 bales of cotton "which go now to other states by dangerous and expensive routes." Not only was Mobile, the emporium of the state, being deprived of that share of the state's traffic to which she was actually entitled, but heavy losses were being sustained also by the citizens of North Alabama on account of the lack of transportation facilities. For example in 1833 cotton was worth

[4] Speech of Hon. R. W. Cobb in House of Representatives, Cong. Globe, vol. xxiii, Appendix, p. 157.

in New Orleans and Mobile fifteen cents per pound, but before the high water season had come, thus admitting of the navigation of the Tennessee River through the shoal portions, cotton had fallen to ten cents per pound. Before the farmers of this region could get an outlet their cotton had seen a decline of five cents per pound. During this year alone it is estimated that the loss thus entailed upon the Tennessee Valley counties was not less than $2,265,000.[5] Not only was it difficult to find an outlet for cotton, but markets for provisions and general supplies were often inaccessible. These facts created the necessity for self sustaining farms, tended to prevent exclusive cotton culture in North Alabama, resulted in a more diversified system of crops demanding smaller holdings of land and a smaller number of slaves than were found in the more southern portions of the state. As the result of these conditions the two sections were somewhat divided in sentiments respecting slavery. This lack of harmony of interest and feeling continued till the beginning of the Civil War, and came near rending the state asunder on the question of secession. For quite awhile the Tennessee Valley counties were projecting the formation of another state, "Nickajack," which should remain with the Union. The fate of Virginia, however, was averted by the rapidity of invasion which caused the two sections to present a united front.

That "geographical and sectional names might be annihilated" that the state might become really "one people," "identified in interests, assimilated in character and harmonized in feelings"[6] was then, one of the strong reasons which prompted the efforts to connect North and South Alabama by some line of transportation. There were projected two plans by which this might be accomplished. Both involved the cutting of a canal between the two rivers.

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[5] Message of Governor Gayle, November 18, 1834.
[6] Message of Governor Clay, 1835.

One of these, known as the "Tennessee and Tombigbee Canal," was to run from Fort Deposit on the Tennessee River to Tuscaloosa on the Black Warrior River.[7] Owing to the length of this proposed route and the expense which would be involved the feasibility of this plan was more visionary than real. Another and doubtless more feasible route for a canal to unite the two river systems was the "Hiwassee and Coosa Canal," and was to extend from a point on the Okou, a navigable branch of the Hiwassee, to a point on the Conesaugo, a navigable branch of the Coosa, near the Georgia and Tennessee line, where these waters approach each other to within about twelve miles.[8] At a meeting held in Cahaba, Alabama, on May 20, 1823, this project was recommended as a means of laying open a passage for boats from the headwaters of the Tennessee River, in Virginia, through the Coosa and Alabama Rivers, to Mobile and the Gulf of Mexico. It was thought that by such a canal the trade from the eastern part of Tennessee, the western portions of Virginia and North Carolina and from the northwestern sections of Georgia that enormous district drained by the tributaries of the Tennessee and the Coosa rivers would all be drawn to Mobile.[9] The Governor of Alabama in the following November recommended to the Legislature that a corporation be encouraged to carry out the proposed plan, showing that financial conditions would not authorize the state to embark in any pronounced work of improvement at that time. The Legislature passed an act[10] incorporating the "Coosa Navigation Company," naming nine towns particularly, and appointing for each town three superintendents who should open books for subscription on the first Monday in June, 1824. The plan met the approval of the Federal

[7] A connected view of the whole Internal Navigation of the United States (1830), p. 377.
[8] Internal Navigation of the United States (1830), p. 389.
[9] Message of Governor S. B. Moore, November, 1831.
[10] Approved December 30, 1823.

Government, but it seems that the people were not so enthusiastic over the plan as were the authorities; at any rate the capital was not raised and no canal resulted.

A later act incorporating the "Alabama and Tennessee Canal Company"[11] met with the same fate. Both companies were still-born. In 1828 this project was examined under the auspices of the United States Government, a route was levelled and surveyed for the proposed communication which should pass through the most favorable depression of the ridge which divided the two tributary valleys, and which should have as terminal points Hiltebrand's boat-yard on the Okou and McNair's boat-yard on the Conesaugo, a length of twelve miles. The plan was pronounced feasible, but promised to be very expensive on account of the requisite deep cutting at the summit level, together with other local difficulties which would have to be overcome.[12] This plan, when completed, was to form but a part of that greater system known as the "Southern Route" which was to connect the whole of the Tennessee Valley with the Atlantic seaboard. This canal, connecting the Tennessee and the Coosa, together with another canal joining the Etowah with the Ocmulgee would complete the line by which, after improvements of various river channels, it was hoped to obtain continuous navigation during at least eight months of the year from the Mississippi River to the Atlantic Ocean. The Ohio, Tennessee, the Etowah, the Ocmulgee and Altamaha, together with the canals which supplied the missing links were to constitute this Southern system of navigation, a plan more beautiful in theory than easy in practice, and destined to pass into oblivion as a dead scheme before the absorbing interest which was soon to be awakened in railroad building.[13]

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[11] Approved January 11, 1827.

[12] Internal Navigation of the United States, p. 391.

[13] Internal Navigation of the United States (Edition 1830), pp. 390-92; Report of Major Mahan, Corps of Engineers, 1894.

The Tennessee-Coosa Canal, however, is still periodically mentioned and discussed as a future possibility. Major McFarland, reporting to the chief of engineers in 1872, asserted the feasibility of a canal from Gadsden, on the Coosa, to Guntersville, on the Tennessee, a distance of thirty-five miles. He estimated that it would require $11,570,607 to execute the project. This plan, together with the improvement of the Coosa, would empty into the Bay of Mobile by an easy and cheap water route, the agricultural and mineral wealth of immense stretches of country now shut out from the sea except by costly railroad transit or by the three thousand miles of water route through the Tennessee and Mississippi. It would open to its natural and nearest seaport one-fifth of the state of Alabama, a large section of North Georgia and the whole sweep of the Upper Tennessee with its score of important tributaries.[14] Toward this important object the state of Alabama has contributed nothing and the Federal Government has never been induced to make appropriations for its execution. The Legislature, by Act of January 15, 1830, organized a body known as the "President and Directors of the Board of Internal Improvements."[15] This Board was to consist of six commissioners, to be elected biennially by a joint vote of the two houses of the Legislature. To avoid discriminations as to sections the act stipulated that these commissioners should be chosen one from the section below the junction of the Tombigbee and Alabama rivers; one from section below junction of Coosa and Tallapoosa rivers; one from the section below junction of Tombigbee and Black Warrior rivers; one from the section above the junction of the two last named rivers; one from section between the Coosa and Cahaba rivers; one from the Tennessee Valley section.

The Governor was made ex-officio president of the

[14] Report of Captain Price to Chief of Engineers July, 1890.
[15] Acts of Alabama, 1829-30.

Board. The members of the Board were to receive the same per diem and mileage as were paid to members of the Legislature. In them was vested the contracting for, and superintendence over, such works of internal improvement as might be directed by the Legislature. A report of progress and expenditures, together with recommendations for further work, should be made annually to the same authority. It was declared by the act that all expenditures should be paid from the "three per cent fund," and that this fund should be held by the State Bank subject to the drafts of the "President and Directors" of the Board. This act, bearing upon its face the impression that it would result in some positive efforts toward improved navigation, accomplished no material results, the scheme passed off as vapor, and the act was repealed by the Legislature on January 21, 1832. In 1839 the Governor in his message to the Legislature said of the state's policy toward internal improvements: "If it should be said that we are behind other states in this respect, it may be replied that if we are destitute of those ready and agreeable means of communication which abound and greatly facilitate traveling and transportation in some of the states, we are at least free from the weight of those monumental debts that have been contracted to carry on their works of internal improvement." He expressed a strong "preference for the opening and improving the navigation of rivers over every other description of internal improvement," and still adhered to the old "determination of effecting some permanent connection between the waters of the Mobile Bay and the Tennessee River," adding, however, that "circumstances seem to forbid our engaging in it at present."[16] At the beginning of the session of 1840-41 a committee was appointed on inland navigation, and a resolution was adopted instructing the committee to "inquire into the propriety and expediency

[16] Message of Governor Bagby, December, 1839.

of appropriating the whole of the three per cent fund to the completion of the Selma and Tennessee Railroad; or of some other mode of appropriating said fund so as more closely to indentify the Northern and Southern parts of our state." After some deliberation the committee reported back that it was inexpedient to legislate on the subject. The House refused to concur and the resolution was recommitted. On January 5, 1841, the committee made their report in which were discussed, pro and con, the various suggested methods or projects by which North and South Alabama should be connected.[17] For the accomplishment of this end the committee pronounced a macadamized road as infeasible. For such a road the proper rock is not obtainable, and, even if constructed, "would not divert the commerce of the North from its now accustomed channel." The most practicable method, the committee declare, would be to connect the Tennessee with the Coosa by a railroad, of not more than twelve miles in length, to extend from the Hiwassee to the Conesauga Creek. Owing to the embarrassed condition of the state's finance they "repeat the expression that it is now inexpedient to legislate on the subjects," and ask to be discharged. This report shows that from the three per cent fund had been expended the following amounts:

December 19, 1837, for improving the Coosa	$30,000
December 19, 1837, for improving the Tombigbee	25,000
February 1, 1839, for improving the Coosa	30,000
February 1, 1839, for improving the Paint Rock	10,000
February 2, 1839, for improving the Choctawhatchee	10,000
February 2, 1839, for improving the Elk	10,000
February 7, 1839, for improving the Black Warrior	20,000
Total	$135,000

These amounts were, by far, too small for the accomplishment of the purposes to which they were appropriated, and no permanent improvements resulted. The "three per cent fund," including interest which has ac-

[17] House Journal, 1840-41.

crued while invested in the State Bank, then amounted to $545,737.53. Deducting from this the above $135,000 leaves an unexpended balance of $410,737.53. The state being involved, no further appropriations were made for improving navigation facilities, and at a later date the fund was expended as subsidies to railroad companies.

Improvements by the Federal Government.

For the purposes of improvement by the Federal Government the rivers of Alabama fall into three divisions: (1) the Northern system (consisting of the Tennessee and its tributaries), which is now in charge of Captain Kingman, Corps of Engineers, with headquarters at Chattanooga; (2) the rivers which drain the more eastern portion of the state, now in charge of Captain Flagler, Corps of Engineers, with headquarters at Montgomery: in this system are comprised the Alabama (with its tributaries, the Cahaba, the Coosa and the Tallapoosa), the Chattahoochee, the Choctawhatchee and the Conecuh; (3) the Mobile Bay, Harbor and River with the Tombigbee and Warrior: this system drains the western and north-central portions of the state and is now in charge of Major Rossell, Corps of Engineers, with headquarters at Mobile.

In discussing the efforts which have been made to improve the navigation on these streams we will treat each separately, beginning with

(1) The Tennessee.—This stream receives its water from Virginia, North Carolina, Georgia, Tennessee, Alabama, Mississippi and Kentucky, seven different states. The total area drained by it is forty-four thousand square miles, an area almost equal to that of England. This river, with the navigable portion of its tributaries, gives a system of water transportation of thirteen hundred and eighty-two miles navigable by steamboats plus ten hundred and fifty-three miles navigable by rafts and flat-

boats, making, in all, a system of internal water ways of twenty-four hundred and thirty-five miles.[18]

Less than five hundred and fifty miles of this extent have ever been surveyed and no project has been formed for the system as a whole, but the improvements have been limited to the main trunk with three or four of its tributaries. This river enters the state of Alabama in the extreme northeast corner, flows southwestwardly to Guntersville, a distance of seventy-four miles; thence northwestwardly to Waterloo, in the extreme northwest corner of the state, a distance of one hundred and thirty-three miles, from which point it forms a part of the boundary between Alabama and Mississippi before re-entering the state of Tennessee. The chief obstruction to the navigation of this river is the barrier between Brown's Ferry and Florence and known as the Muscle Shoals. Here Elk River Shoals, Big Muscle Shoals, and Little Muscle Shoals present a series of obstructions extending, with intervening pools of deep water, a distance of thirty-eight and a half miles, and until recently prevented navigation during a great part of the year between hundreds of miles of navigable waters above and over two hundred and fifty miles of open river below. We have already noted[19] the inconvenience and losses which were entailed upon the North Alabama people by these obstructions. In the counties of Madison, Morgan, Limestone, Lawrence, Franklin, and Lauderdale thousands of acres of land had been relinquished by purchasers of public lands who were unable to meet the maturing payments. By law approved May 23, 1828, Congress granted[20] to the state four hundred thousand acres of these "relinquished lands," the proceeds to "be applied to the improvement of navigation of the Muscle Shoals and Colbert's Shoals in the Tennessee

[18] Report of Captain Kingman, 1896.

[19] Page 63.

[20] In accord with a Memorial from the Legislature of Alabama (January 15, 1828) asking such a donation.

River and such other parts of said river within said state as the Legislature thereof may direct."[21] If there were not found four hundred thousand acres of relinquished land in the counties named above the deficiency was to be supplied from any unappropriated lands in Jackson County. Thus these lands lay in seven counties of the state. The act provided also that the improvements should be made according to the plan recommended by the United States engineers who should be appointed to survey and report a plan. The Legislature of the state created[22] "the Board of Tennessee Canal Commissioners," consisting of five men, in whom was vested the power to make contracts for the execution of plans recommended by the engineers. The proceeds from the lands aggregated $1,400,000.[23] In 1831 work was begun under the auspices of this board, and a canal was cut around Big Muscle Shoals fourteen and a quarter miles long, sixty feet wide and six feet deep. By 1836 the canal had been completed, and was thrown open for navigation, but continued in use for about one year only. Too little attention had been given to its terminal approaches and boats could enter the canal only at certain stages of the water. The following year the canal was closed for want of funds. Being thus abandoned the canal fell gradually into ruin till work was resumed by the Federal Government about forty years later.

Since 1868 appropriations have been regularly made for the improvement of the Tennessee in each river and harbor act. The appropriations divide the river into two sections, Chattanooga being the dividing point.

(1) That portion of the river above Chattanooga is used principally for rafting lumber and logs, though it is also plied by flat-boats and steamboats of light draft. In 1832 the state of Tennessee undertook the improvement of certain points above Chattanooga; the work, however,

[21] United States Statutes at Large, vol. iv, p. 290.
[22] By Act approved January 15, 1830.
[23] Memorial from Legislature to Congress, December 23, 1868.

did not prove of any lasting value. The plan adopted by the Federal Government has been to obtain a three-foot low water navigable channel between Chattanooga and the French Broad by excavating rock and gravel, by removing boulders, and by the construction of wing dams. For this purpose appropriations have been made between April 10, 1869, and March 3, 1899, aggregating $391,000.[34] The expenditures have resulted in giving a lengthened season of navigation and improving the channel at many of the places of obstruction.[35]

(2) For the improvement of the Tennessee below Chattanooga the following appropriations have been made:

March 2, 1827	$ 200.00	(survey)
May 23, 1828	1,400,000.00	(400,000 acres land)
August 30, 1852	50,000.00	
June 9, 1860	1,350.00	
June 12, 1860	1,406.94	
July 25, 1868	85,000.00	
April 10, 1869	5,095.00	
July 11, 1870	80,000.00	
June 10, 1872	50,000.00	
March 3, 1873	100,000.00	
June 23, 1874	100,000.00	
March 3, 1875	360,000.00	
August 14, 1876	255,000.00	
June 18, 1878	300,000.00	
March 3, 1879	210,000.00	
June 14, 1880	300,000.00	
March 3, 1881	250,000.00	
August 2, 1882	250,000.00	
August 7, 1882	3,970.18	
July 5, 1884	350,000.00	
August 5, 1886	262,500.00	
August 11, 1888	250,000.00	
Sept. 19, 1890	475,000.00	
March 17, 1891	3.91	(transfer settlement)
July 13, 1892	500,000.00	
August 17, 1894	400,000.00	
June 3, 1896	50,000.00	
March 3, 1899	235,000.00	
Total	$6,324,526.03	

[34] Reports of Engineers; and United States Statutes at Large.
[35] Report of Captain Kingman, July 18, 1896, and Statutes at Large.

In 1867 an examination was made of this part of the river (from Chattanooga, Tennessee, to Paducah, Kentucky). Upon this survey the present project was decided upon, though subject to subsequent modifications. It was determined that attention should first be directed to Muscle Shoals, as navigation here was effectually closed, and the river would be practically useless unless this barrier be overcome. Consequently the greater part of the above appropriations has been expended on this section of the river.

From Chattanooga to Decatur, a distance of one hundred and forty-five miles, occur a number of reefs and bars which tend to obstruct navigation. The approved project for this section "is to remove obstructions so as to obtain a depth of at least three feet at low water" by blasting, dredging, and by removing boulders, snags and gravel. The work done in pursuance of this plan has rendered up-stream navigation easier, and the dangers of down-stream navigation have been materially remedied, though the difficulties are not yet entirely overcome.

From Decatur to Florence.—The object of the improvement on this section of the river is to obtain continuous navigation around the three sets of shoals which obstruct the greater part of the distance of forty-eight miles between these two points. The approved project, based on the survey made in 1872 and modified in 1877, is : (1) to enlarge, rebuild and straighten the old canal around Big Muscle Shoals (built in 1831-36, and which had been abandoned in 1837) so as to give a canal fourteen and a half miles long, with nine locks having a total lift of eighty-five feet, the canal to be six feet deep and seventy to one hundred and twenty feet wide at the water surface. (2) To construct at Elk River Shoals a canal one and a half miles long, with two locks with a total lift of about twenty feet. (3) To blast at Little Muscle Shoals a channel through the bed-rock of the river and to construct stone wing dams and retaining walls to contract the waterway; to

construct a lateral canal fifteen thousand feet long with a guard lock at the head and a lock at the foot having a lift of twelve feet. Up to June 30, 1895, there had been expended on these works $3,191,726.50 in addition to the original land donation of 1828. Owing to the fact that appropriations have not been adequate for rapid and continuous work, progress has been somewhat slow. However, Big Muscle and Elk River Shoals have been rendered navigable at all seasons of the year, the channel at Little Muscle Shoals has been much improved and work is still in progress.

From Florence to the foot of Bee Tree Shoals (30 *miles*).—The obstructions here found are the Bee Tree and Colbert Shoals which begin about twenty-two miles below Florence and extend a distance of eight miles with a total fall of twenty-five feet at low water, at which stage the available depth is about one and a half feet. To June 30, 1890, for surveys, excavations, removal of rock from the channel and construction of dams only $62,243.41 had been spent on this section of the river. In this year a new project was adopted which, as modified in 1891 and 1892, contemplates the construction of a canal 7.8 miles long, one hundred and fifty feet wide with a depth of seven feet. A guard lock is to protect the upper end of the canal and at the lower end a lock of twenty-five feet lift is to be constructed. Under this project, to June 30, 1895, had been expended $149,735.42 and work is still in progress under an appropriation (made by Act of Congress March 3, 1899) of $100,000 toward this item.

From the foot of Bee Tree Shoals to Paducah, Kentucky.—Along this section of the river comparatively little has been expended owing to the attention attracted to the more serious obstructions above. To August 17, 1894, only $62,043.32 had been allowed (from the general appropriation) for the improvement on this section. To this add $200,000 appropriated by acts of August 17, 1894, and March 3, 1899, gives a total of $262,043.32 expended below

the foot of Bee Tree Shoals. Snagging, making surveys, and improving Livingston Point (which with two small islands below it forms the harbor of Paducah) constitute the work done here. This portion of the river, being below most of the large tributaries, affords the best navigation of the whole stream, and three-fifths of the entire business of the river and its tributaries is done on this division.

The river is not yet navigable for the entire year, but the success of the improvements already made warrant the assertion that the main trunk of the river can be rendered so, and the navigable season can be greatly lengthened on all the tributaries.[36]

(2) THE CHATTAHOOCHEE.—This river rises in the extreme northern part of Georgia, flows southwestwardly until at West Point it strikes the boundary line between Alabama and Georgia; thence it flows nearly due south, forming the boundary line between these two states, and further on in its course between Georgia and Florida until it joins the Flint, forming thus the Apalachicola. The Chattahoochee does not become navigable till it reaches Columbus, about two hundred and twenty-five miles above its junction with the Flint. Between these two points the plan of improvement (adopted in 1873 and still in force) is to get and maintain a channel four feet deep and one hundred feet wide. For this purpose $377,000 have been appropriated and expended, beginning with the first appropriation of $2000 (February 24, 1835) and including the last appropriation of $50,000 (March 3, 1899).[37]

(3) THE TALLAPOOSA.—Under an act of Congress approved June 14, 1880, an examination and partial survey of this river was made which resulted in a project for improvement designed to obtain a navigable channel from

[36] Reports of Major Kingman in Annual Reports of the Chief of Engineers, War Department.

[37] Reports of Major Mahan, July 13, 1896; and of Major Mahan and Captain Flagler, September 28, 1899.

its junction with Coosa River to the foot of Tallassee Reefs, a distance of forty-eight miles. The work done consisted in the removal of logs and snags, deepening shoals and cutting overhanging timbers. For this purpose appropriations have been made aggregating $44,000 between August 2, 1882, and September 19, 1890.[28] The Tallapoosa flows through rich cotton lands, largely cultivated, with many thousands of acres of arable and well timbered uplands adjacent. The falls of Tallapoosa furnish magnificent water power which is partly utilized by cotton-mill industries. The river, however, is not susceptible of permanent improvement, and Captain Price in his report of July 10, 1893, states that no commercial use is made of the improved channel. Pursuant to his recommendations no further appropriations have been made for this river and work has been therefore suspended.[29]

(4) THE CHOCTAWHATCHEE.—The commerce of this stream is mainly cotton, saw-logs, timber and lumber. That part of the river considered for improvement is that from its mouth to Newton, Alabama, a length of 162 miles. The most of the commerce of this stream is done between Geneva, Alabama, and Caryville, Florida. Below the latter place the Choctawhatchee runs through a sparsely settled country where the business is almost exclusively that of cutting and rafting timber.

The project for improvement as adopted in 1880, and amended in 1890, provides for the securing of a channel navigable in low water from the mouth of the river to Newton, Alabama. Appropriations for this river began as early as March 3, 1833. From that date other amounts have followed from time to time, making a total of $162,000 up to, and including, the appropriation of March 3, 1899.[30]

[28] Report of Captain Black for Fiscal Year, ending June 30, 1890.
[29] Report of Captain Price, July 10, 1893.
[30] By Act February 2, 1839.

To this amount must be added the $10,000 appropriated by the State Legislature from the three per cent fund.[31]

(5) THE COOSA.—This river is formed by the junction of the Oostenaula and the Etowah. The Etowah is not navigable. The Oostenaula and its tributary, the Coosawattee, are navigable the year round for light draft boats from Rome, Georgia, at the junction of the Oostenaula and Etowah, to Carter's Landing, Georgia, on the Coosawattee, a distance of 105 miles. There would be a continuous water route of transportation from Carter's Landing, Georgia, to Mobile, Alabama, were it not for the shoals and rapids on the Coosa River distributed over a distance of 137 miles in Alabama between Greensport and Wetumpka. This reach, covering 776 miles, would thus include the Coosawattee, the Oostenaula, the Coosa, the Alabama and the Mobile rivers.[32] Realizing the importance of this route to the commercial and industrial life of the state the Legislature of Alabama in 1823 passed an act looking forward to the improvement of Coosa River.[33] The plan was, however, to be executed by private capital. The project was approved by Congress in 1824 and four years later Congress enacted that any surplus from the grant (400,000 acres of land) for the improvement of the Tennessee River should be applied to the improvement of the Coosa, Cahaba and Black rivers. No private capital was subscribed to the Coosa Navigation Company, "nor was there any surplus from the Tennessee land grant," so the whole scheme was abortive. Other efforts were made by the state in 1837, and in 1839, when in each year $30,000 were appropriated from the "three per cent fund" for improving the Coosa.[34] With these small amounts,

[31] Reports of Major Mahan, 1897; and of Major Mahan and Captain Flagler, 1899; also Statutes at Large, vol. xxx.

[32] Report of Major Mahan, 1894.

[33] Acts of Alabama: "Coosa Navigation Company," incorporated by Act, December 30, 1823.

[34] Acts of Alabama, 1837 and 1839.

however, no permanent work resulted. In 1876 the work of improvement began by the Federal Government. The river is divided into two sections: (1) that lying between Rome and the East Tennessee, Virginia and Georgia Railroad Bridge and (2) that lying between this bridge and Wetumpka. On the first of these divisions the plan provided for eight locks and dams at the points of greater obstruction and for works of contraction and channel excavation for points less troublesome. It is on the second of these sections that the most serious difficulties are encountered. Here a series of twenty-three locks and dams must be constructed, and the accomplishment of this end is the present plan. Appropriations from the Government have been as follows:[35]

From Rome to E. T. V. & G. R. R. Bridge:

August 14, 1876	$ 30,000.00
June 18, 1878	75,000.00
March 3, 1879	45,000.00
June 14, 1880	75,000.00
March 5, 1881	60,000.00
August 2, 1882	83,700.00
July 5, 1884	50,000.00
August 5, 1886	45,000.00
August 11, 1888	60,000.00
September 19, 1890	150,000.00
July 13, 1892	130,000.00
August 18, 1894	110,000.00
June 3, 1899	20,000.00
Total	$983,700.00

From Bridge to Wetumpka:

September 19, 1890	$150,000.00
July 13, 1892	100,000.00
August 18, 1894	110,000.00
June 3, 1896	50,000.00
Total	$410,000.00

Work was not begun on the lower of these two sections until after 1890, for in this year the first appropriation was

[35] Reports of Engineers and Statutes at Large.

made for the specific work. The Coosa River flows through the mineral regions of North Alabama, the agricultural belt of Middle Alabama and the timber districts of Southern Alabama, and its importance as a commercial route can hardly be overestimated. The appropriations for this river have been so small that very little of the work to be done has been yet effected, and it has been estimated that at the present rate "it will be 150 years before this section will have water transportation for its coal and iron to Mobile."[36]

(6) THE CAHABA.—Above Centreville, Alabama, the Cahaba River, though flowing through the extensive Cahaba coal fields, cannot be utilized. The river in this section consists of a series of pools and rapids which can be overcome only by extensive use of locks and dams, a plan too expensive to be feasible. Surveys of this stream were made in 1875 and 1881, and under recommendations then made a plan was adopted which contemplated obtaining a navigable channel from its mouth to Centreville, a distance of 88 miles. This was to be accomplished by the removal of snags and logs, by excavating gravel bars and deepening sand bars by works of contraction and shore protection. For this purpose the Government appropriated $45,000.00 between August 2, 1882, and July 13, 1892. Two railroad bridges without draws, one ten miles, the other twenty-two miles, above the mouth of the Cahaba, prevent any commercial use being made of the river, and as no efforts have ever been made to compel the placing of draws in the bridges, work has been suspended and no further allotments made to this river.[37]

(7) CONECUH AND ESCAMBIA.—This river, north of Florida and Alabama line, is known as the Conecuh; south of that line as the Escambia. This stream is of more importance probably to Florida than to Alabama. It sup-

[36] Report of Major Mahan, 1894.
[37] Report of Major Mahan, 1894.

plies two-thirds of all the timber, which is the principal export product of Pensacola. The commerce of this stream in 1895 was estimated at $2,000,000.00, consisting almost exclusively of timber products. The project of improvement provides for securing and maintaining a channel sufficient for the passage of timber rafts from the mouth of Indian Creek in Alabama to Pensacola, Florida. To this end $102,500.00 have been appropriated between March 2, 1833, and March 3, 1899.

(8) THE ALABAMA.—For the improvement of this river the appropriations have been as follows:[38]

June 18, 1878	$ 25,000.00
March 3, 1879	30,000.00
June 14, 1880	25,000.00
March 3, 1881	20,000.00
August 2, 1882	20,000.00
July 5, 1884	10,000.00
August 5, 1886	15,000.00
August 11, 1888	20,000.00
September 19, 1890	20,000.00
July 13, 1892	70,000.00
August 18, 1894	50,000.00
June 3, 1896	40,000.00
March 3, 1899	50,000.00
Total	$395,000.00

The original project for improvement was to obtain a channel four feet deep at low water with a minimum width of two hundred feet from Wetumpka to the junction of the Alabama and Tombigbee rivers, a distance of three hundred and twenty-three miles. This plan, adopted in 1876, was amended in 1891 so as to provide for a depth of six feet. In its original condition, owing to logs, snags, fallen trees, bars and shoals, the navigation of this river was difficult and tardy. The work done has been to remove these obstructions, to blast and dredge rock and gravel bars and to deepen sand bars by works of contraction and shore protection. The channel has been much

[38] Report of Major Mahan July 10, 1897; and Statutes at Large.

improved and is now navigable from Montgomery to Mobile during the greater portion of the year. The commerce of the Alabama River is important, averaging annually from six to nine million dollars.[39]

(9) MOBILE HARBOR.—The Mobile Bay from its mouth to the city wharves is thirty miles; its width at its entrance from the Gulf is three and a quarter miles, at its lower anchorage about twenty miles and at its northern extremity it again narrows down to a width of about eight and a half miles." In the original condition of this bay the wharves of Mobile could not be reached by a vessel of any considerable size owing to obstructions in the channel, particularly at the points known as Choctaw Pass, where the channel was only five and a half feet deep, and Dog River Bar where the depth was only eight feet.[41] All vessels except those of very light draft were forced to lie in the lower anchorage twenty-seven miles from the city. All cargoes had to be transported to and from there by lighters at an annual cost of not less than $100,000.00. Cotton and other goods in passing up and down the bay were "liable to damage from exposure to weather and it is fair to suppose that it was a prominent reason for the Liverpool cotton merchants assuming, as they did, that cotton going by way of New Orleans arrived in better order, and so should bring a better price than when they went by way of Mobile."[42] This was the status when work was begun by the Federal Government in 1827. Since that date there have been five different projects of improvement: (a) Under the original plan between 1827 and 1857 an unobstructed channel was obtained ten feet deep and about two hundred wide from Mobile to the Gulf of Mexico. (b) In 1870 the second

[39] Reports of Engineers, 1896, 1897 and 1899.
[40] Berney: Hand-Book of Alabama, p. 504.
[41] Report of Major Rossell, 1896.
[42] Memorial and Proceedings of the Rivers and Harbors Improvement Convention assembled at Tuscaloosa, Alabama, November 17, 1885, p. 38.

stage was entered upon when a channel was planned from the city to the gulf thirteen feet in depth and three hundred feet wide. (c) The plan was again amended in 1878 to provide for a channel of seventeen feet depth and two hundred feet width. This project was completed in 1889. (d) While the plan was nearing completion another was adopted. In 1888 work began under the fourth project which provided for a channel twenty-three feet deep at mean low water. The upper end of this proposed channel was moved from Mobile to the mouth of the Chickasabogue Creek, thus adding a little more than two miles to the length of the channel. (e) The River and Harbor Act of March 3, 1899, appropriated $100,000 for continuing this improvement: "provided, that a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary with the view of ultimately securing a channel twenty-three feet deep and one hundred feet wide at the bottom, with appropriate slope, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $500,000.00, exclusive of the amount herein and heretofore appropriated." Under this provision the contract has been awarded and according to this plan work is now in progress."[a]

The appropriations for this work have been as follows:[b]

May 20, 1826	$ 10,000.00
March 2, 1829	20,000.00
June 23, 1834	10,000.00
March 3, 1835	17,997.60
March 3, 1837	50,000.00
July 7, 1838	50,000.00
August 30, 1852	50,000.00
March 3, 1857	20,833.08 (Relief claim)
July 11, 1870	50,000,08
March 3, 1871	50,000.08

[a] Report of Major Wm. I. Rossell, July 20, 1896; and July 20, 1899.

[b] Reports of Engineers and Statutes at Large.

June 10, 1872	$ 75,000.00
March 3, 1873	100,000.08
June 23, 1874	100,000.08
March 3, 1875	26,000.08
June 18, 1878	10,000.08
March 3, 1879	100,000.08
June 14, 1880	125,000.08
March 3, 1881	100,000.00
August 2, 1882	125,000.00
July 5, 1884	200,000.00
August 6, 1886	90,000.00
August 11, 1888	250,000.00
September 19, 1890	350,000.00
July 13, 1892	212,500.00
March 3, 1893	500,000.00
August 18, 1894	390,000.00
March 2, 1895	291,300.00
March 16, 1896	160,000.00
June 3, 1896	60,000.00
June 4, 1897	25,000.00
July 1, 1898	30,000.00
March 3, 1899	100,000.00
Total	$3,748,630.68

As will be seen from the above appropriations this work was neglected by the Federal Government between the years 1857 and 1870. The channel was found to have shoaled to seven and a half feet at Choctaw Pass in 1860.[46] The matter was brought to the attention of the State Legislature and an act was passed on February 21, 1860, appointing a "Board of Harbor Commissioners" who were to "deepen and improve the bay and harbor." Funds with which to operate were to be raised by issuing bonds of Mobile County not to exceed $800,000.00. To meet these bonds and accruing interest the county officials were empowered to assess the people of Mobile County at the rate of twenty cents on every hundred dollars. The state as an aid to the work, was to give one-fifth of all revenues collected by the state from that county. When the improvements made should enable vessels of eight feet

[46] Acts of Alabama, 1859-60.

draught to approach the city wharves, at low tide, then six cents per ton were authorized to be charged on all cargoes until the debt was discharged. The act required that the consent of Congress should be obtained. It appears that Congress did not approve the plan and nothing was done.

In 1867, the citizens of Mobile County procured the passage of another act of the Legislature appointing a Board for the prosecution of this work and requiring that the Revenue Commissioners of Mobile County should issue bonds (county) to the amount of $1,000,000.00[46] for this purpose. About $200,000.00[47] were thus raised and expended by Mobile County before the repeal of the act by the Legislature of 1872-3. From these efforts no permanent improvements resulted. In 1870 the work was resumed by the Federal Government and since that date has gone steadily forward, gradually admitting to the city wharves vessels of heavier and heavier draft. A letter from Mr. A. C. Danner, of Mobile, to Major Rossell, on June 9, 1896, states that "Mobile's tonnage movement for a period of nine years shows an increase of 458 per cent up to September 1, ultimo, and every month during the current year shows a steady and continuous increase of use for the channel."[48] Between 1896 and 1899, there was an increase of 32 per cent in the tonnage of timber, lumber, shingles, staves and cotton passing through this port.[49]

(10) THE TOMBIGBEE.—The work done on this stream is divided into the following sections:

(a) From Walker's Bridge, Mississippi, to Fulton, Mississippi, a distance of two and three quarter miles;

(b) From Fulton to Columbus, Mississippi, fourteen miles;

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[46] Acts of Legislature, 1866-67, p. 507.

[47] Memorial and proceedings of the Rivers and Harbors Improvement Convention: Assembled at Tuscaloosa, Alabama, 1885, p. 35.

[48] Report of Major Rossell, 1899.

[49] Report of Major Rossell, 1899.

(c) From Columbus to Demopolis, Alabama, one hundred and fifty six miles;

(d) From Demopolis to the mouth of the Tombigbee, at its junction with the Alabama, a distance of one hundred and ninety-one miles. The improvements thus cover a distance of five hundred and fifteen and three quarter miles.[80]

(a) The plan on this portion has been to secure and maintain a channel for high-water navigation by the removal of snags, logs and overhanging trees. Appropriations toward this end began with the act of August 11, 1888, and from that date to the last River and Harbor bill of March 3, 1899, have amounted to $14,000.00 for this section. Work was promptly begun in 1888 and a channel has been secured which, at a rise of three feet above low water, is navigable by boats of light draft and by the many rafts of timber which are sent down the river to Mobile from this section. (b) The plan for section (a) is practically the same as that for section (b), from Fulton to Columbus. Work on this second division, however, began earlier than on the first, and dates back to the survey authorized by act of June 10, 1872. This project was completed in 1882 with a total expenditure to that date of $27,293.65, from the funds allotted to the Warrior and Tombigbee Rivers.[81] For the maintenance of this improvement separate appropriations began with the act of July 13, 1892, and aggregated $23,000.00 including the amount carried by act of March 3, 1899.[82]

(c) From Columbus to Demopolis the plan is to obtain a channel six feet deep at low water and maintain it by snagging and dredging and by constructing locks and dams.[83] Up to the year 1890 work was done from the

[80] Report of Major Rossell, 1896.
[81] Report of Major Rossell, 1896 and 1899.
[82] Report of Major Rossell, 1899; and Statutes at Large, vol. xxx, p. 1139.
[83] Rossell's Report for 1899.

appropriations made to the "Warrior and Tombigbee Rivers" and (after 1880) to the "Tombigbee from Columbus to Vienna." In 1890 specific appropriations began for this section and from that date, September 19, to March 3, 1899, inclusive, $160,000.00 have been allotted this division.

(d) From Demopolis to the mouth of the Tombigbee was improved by works of a temporary character between 1870, when the first surveys were made, and 1888. In the latter year an act, of August 11, directed a new survey to be made. The project adopted under this survey is to obtain by snagging and dredging a channel of six feet at low water, and to overcome the chief obstruction, McGraw Shoals one hundred and eleven miles above Mobile, by locks and dams. To 1890 the funds for this section were allotted from the appropriations to the Warrior and Tombigbee rivers, and the exact amount expended here is not known. In this year the appropriations become separate for this division and including the amount of March 3, 1899, aggregate $380,000.00.

A summary of the appropriations for the Tombigbee River would then be as follows:

For Warrior and Tombigbee from March 3, 1875, to March 3, 1879 [84]	$110,000.00
For Tombigbee	
June 14, 1880	$ 31,000.00
March 3, 1881	15,378.00
August 2, 1882	21,000.00
July 5, 1884	25,000.00
August 5, 1886	18,750.00
August 11, 1888	12,500.00
On Section (a) 1886-1899	14,000.00
On Section (b) 1892-1899	23,000.00
On Section (c) 1890-1899	160,000.00
On Section (d) 1890-1899	380,000.00
Total	$810,628.00 [85]

[84] Between these dates appropriations were made to those two rivers collectively and it is impossible to determine from the reports submitted the amounts expended on each separate river.

[85] Acts of Alabama, December 19, 1837.

To this amount must be added the $25,000.00 appropriated by the State Legislature from the three per cent fund.

(11) THE WARRIOR.—This river extends from its junction with the Tombigbee at Demopolis, to Tuscaloosa, a distance of one hundred and thirty miles. Above Tuscaloosa the stream is known as the Black Warrior. In its original condition the Warrior was so obstructed that its channel was not navigable except during high water and then navigation was extremely difficult and hazardous. The first survey was made in 1874. The first appropriation was made and in June following, work was begun. The improvements made up to 1890 were of a temporary character. In that year a new plan was adopted which proposed to obtain a channel of six feet depth by the removal of logs and snags and overhanging trees and by the construction of locks and dams.[56] Six of the latter will be required between Tuscaloosa and Demopolis. The act of March 3, 1899, provides for the making of contracts for the construction of three of these locks and dams "next below Tuscaloosa" [57] and under these conditions work is now in progress.

Prior to 1879 the work done was by funds from the appropriations to the Warrior and Tombigbee.[58] Since that date separate appropriations have been made for the Warrior as follows:[59]

June 4, 1880	$ 20,000.00
March 3, 1881	10,622.00
August 2, 1882	111,000.00
July 5, 1884	12,000.00
August 5, 1886	18,750.00
August 11, 1888	18,000.00
September 19, 1890	45,000.00
July 13, 1892	75,000.00

[56] Report of Major Rossell, 1896.
[57] Statutes at Large, vol. xxx.
[58] Summarized above under the Tombigbee.
[59] Report of Major Rossell, 1879.

August 11, 1894	$ 40,000.00
June 3, 1896	70,000.00
March 3, 1899	220,000.00
Total	$539,372.00

(12) THE BLACK WARRIOR.—A large section of North Alabama, estimated at eight thousand square miles is drained by this river. The lands which skirt the river are fertile and productive and along its banks are found large and valuable deposits of coal. To get water transportation from the "Warrior Coal Fields" to Mobile is the main object for which improvements have been undertaken, both on the Black Warrior and the Warrior rivers. The improvements on the Black Warrior cover a distance of fifteen miles, from Tuscaloosa to Daniels Creek. The present project for improvement was adopted in 1887 and proposes to construct five locks and fixed dams with a total lift of fifty-two feet. Work toward this end began in 1888 and three of the locks have been completed. On March 3, 1899, provision was made for the construction of the fourth lock and work is now in progress.[80]

The appropriations have been as follows:

July 5, 1884	$ 50,000.00
August 1, 1886	56,250.00
August 11, 1888	100,000.00
September 1, 1890	150,000.00
July 13, 1892	200,000.00
August 18, 1894	37,500.00
June 3, 1896	10,000.00
March 3, 1899	50,000.00
Total	$653,750.00

The State Legislature appropriated,[81] in addition to this amount $20,000.00 to this river from the three per cent fund, as has been already mentioned in another connection.

[80] Report of Major Rossell, 1896 and 1899.
[81] Acts of Alabama, February 7, 1839.

Including the original land grant for the Tennessee River, the amounts expended by the Federal Government upon these items of improvement as above enumerated aggregate $14,186,106.71. Thus Alabama has received about two-thirds of one per cent of the amount which has been expended by the government upon such works in the various states of the Union.[82] In the projects now in execution for the improvements of the Alabama rivers the chief object is to accelerate the development of her mineral resources by giving water transportation to the gulf. It is estimated that when the present plans are completed coal can be carried to Mobile at a charge of twenty-five cents per ton, while the present rate by rail is one dollar per ton. With this reduction in freight rate coal can be delivered to vessels in Mobile at not exceeding $1.25 per short ton, and Alabama would be enabled to compete with England as an exporter of coal to South America and in the East, and West Indies.[83] In paging through the acts of Alabama one is impressed with the fact that water transportation has been of vital importance to the state. In the early days her rivers and their small tributary creeks served as her chief arteries of trade. Numerous acts incorporating "Navigation Companies" show that practically all the rivers in the state, even the smallest, were once used as lines of transportation. During the twenties, thirties and forties we find the tributaries to these rivers, the majority of them insignificant creeks, are declared by successive acts of the Legislature as "public highways" and to fell trees across them, to throw logs into them, or to otherwise obstruct their passage was declared a public offense and punishable by law. With the development of Alabama's railroad system the great majority of these old lines have been abandoned and only the fittest have sur-

[82] Proceedings of the Rivers and Harbors Improvement Convention (Tuscaloosa, 1897), p. 48: Address of General Joseph Wheeler.

[83] Proceedings of the Rivers and Harbors Improvement Convention, 1897, pp. 35-36.

vived. With this transformation has come a shifting of trade and business from the old conservative villages which slumber on the river's edge to the more active and spirited railroad points. While the greater portion of the business in Alabama is now done by railroads yet the influence of the rivers as competitors is most potent in guaranteeing reasonable rates. When the rivers are in boating order freights are low and, *vice versa*, low rivers make high rates.[84] Thus in Alabama as in other states of the Union, observation and experience point to the fact that the maintenance of a good system of water transportation affords the most effective safeguard against the potential evils of railroad consolidations which tend to throttle competition.

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[84] This fact is illustrated in the report on the Tombigbee for 1881. When the river, a competing line with the Mobile and Ohio Railroad, is navigable, freight charges are reduced by the railroad. In 1879-80 the charge on cotton per bale was $3.25 by rail during the low-water season. When the Tombigbee became navigable rates prevailed ranging only from 50c. to $1.25 per bale. Memorial and Proceedings of Rivers and Harbors Improvement Convention, 1885, pp. 53-54.

CHAPTER III

CONSTRUCTION OF RAILROADS

Federal Land Grants

The policy of Federal aid to railway building as with other forms of internal improvement has been a gradual growth. Legislation has proceeded not by sudden and radical measures differing from all precedent, but by small beginnings which gradually prepared the public mind for the more elaborate schemes which were to follow. From the policy of aid to wagon roads, canals, river and harbor improvements, we have been brought to the idea of small encouragement of railroad building. The granting of "rights of way" through the public domains to various railroad companies together with small lots of land for the erection of stations served as the precedents upon which was to be based the system of more positive aid by large grants of public land. Congress by act of March 2, 1827[1] gave to the state of Indiana a large tract of land to aid in constructing the Wabash and Erie Canal. On March 2, 1833[2] Congress authorized the state of Illinois to divert its canal grant and to use the proceeds from these lands in the construction of a railroad should the latter seem preferable to a canal. This was the first congressional enactment providing for a land grant in aid of a railroad.[3] This privilege was not utilized by the state, but the act serves to show the growth of the feeling that if Congress could aid in making canals it could also aid in building

[1] U. S. Statutes at Large, vol. iv, p. 236.
[2] U. S. Statutes at Large, vol. iv, p. 662.
[3] Public Land Commission, Exec. Doc., 3rd Sess., 46th Cong., Pts. i and iv, p. 261.

railroads, and points to the fact that public aid will increase to such works as enthusiasm mounts higher for improvements of this character. The first right of way (thirty feet on each side of its line) through the public lands for a railroad, from Tallahassee to St. Marks, with use of timbers and other building materials and ten acres of land as the terminus, was granted to a Florida company by act of March 3, 1835.[4] From this time forward similar privileges were granted to various other railroad companies up to 1850 when was passed the first railroad act of any real importance. This act was skilfully engineered through Congress by Senator Douglas of Illinois in the interest of the Illinois Central Railroad, and initiated that system of Congressional land-grants which prevailed until after July 1, 1862.[5] On the latter date a new system was inaugurated in aiding the Pacific railroads. Formerly the grants had been made to the state as guardians or trustees for the roads, thus yielding to the old contention that Congress could not create a corporation to do business in a state without the consent of that state. After 1862 this claim was disregarded, as were many others of the old State's Rights theories; the grants are now usually made to the corporation direct thus brushing aside the state as trustee or agent of transfer.[6] Under these two systems (the granting of alternate sections[7] either to the state or to the corporation direct) the Federal Government to June 30, 1880, had made railroad grants amounting to about two

[4] U. S. Statutes at Large, vol. iv, p. 778.

[5] Public Land Commission, pts. i and iv, p. 261.

[6] Public Land Commission, pts. i and iv, p. 257.

[7] This system was based on the claim that when the alternate sections were thus granted along the line of the railroad the sections retained by the Government would be enhanced in value. The price per acre, therefore, of the remaining contiguous sections was doubled, being raised from $1.25 minimum price to $2.50 per acre; thus it was contended the Government lost nothing by the grants. Speech of Senators Douglas and Shields, Cong. Globe, vol. xxi, pt. i, pp. 844-48.

hundred and fifteen million acres of land. In 1881 it was estimated that the amount would be reduced by forfeitures to 155,504,994 acres.[8]

The pioneer railroad bill was passed only after it had been closely debated.[9] Senator Douglas, some years later, in speaking of its passage, remarks: "If any man ever passed a bill I did that one. I did the whole work and was devoted to it for two years." The bill was introduced in Congress in 1848 and was bitterly opposed by many (the Representatives and one of the Senators of Alabama among the number) both on account of inexpediency and because of constitutional objections.[10] Senator Bagby of Alabama committed himself firmly to the opposition, "For myself," he said when speaking of the bill, "I shall consider it my duty to resist such propositions to the last—there is no soundness in the proposition and it is in vain to tell us that the constitutional question can be settled by precedent."[11] From the tone of the debates, however, it seemed to be a foregone conclusion that Senator Douglas's bill though fettered by constitutional objections, would finally be passed, and others manifested a desire to secure some of the good things while they were going. Thus while Senator Bagby was planting himself firmly in the opposition his colleague, Senator King, was busying himself with introducing bills carrying similar grants for prospective railroads in Alabama.[12] The bill in 1848 passed the Senate but failed in the House. In 1850 the project came forward again with brighter prospects. Senator King was one of the most ardent advocates while his colleague was no longer heard in the opposition. To the Mississippi representatives also the bill seems to have become less objectionable. In the meantime Senator Doug-

[8] Public Lands, pts. i and iv, p. 268.
[9] Cong. Globe, vol. xxi, pt. i, pp. 844-54 and 867-74.
[10] Cong. Globe, Appendix to vol. xi, pp. 534-37.
[11] Cong. Globe, 1st Sess. 30th Cong., Appendix, p. 535.
[12] Cong. Globe, 1st Sess., 30th Cong., 1848, pp. 999, 1038, 1051.

las had heard that the Mobile Railroad, then building, had failed for want of means. Going to Mobile he met the directors of the railroad company and proposed to procure a land grant for that road by making it a part of his Illinois Central Railroad bill, provided the Representatives and Senators from Alabama and Mississippi (the two states most interested in the success of the Mobile Railroad) would support his measure. The proposition was accepted, Senator Douglas returned to Washington, and through the influence of the directors of the Mobile road the legislatures of Alabama and Mississippi instructed their Congressmen and Senators to support the bill after it had been so amended as to carry for these states privileges proportionately equal to those gained for Illinois.[13] With all dignity and deference the amendment offered by King[14] was accepted by Douglas. The bill now assumed, in the eyes of some, a more constitutional aspect. The opposition was so weakened that by further skilful manipulation it was finally passed by a small majority and became a law on September 20, 1850. The act granted to the state of Illinois, for the purpose of aiding in making the Illinois Central Railroad and its branches, "every alternate section of land designated by even numbers, for six sections in width on each side of said road and branches,"[15] and carried for Illinois 2,595,053 acres of land.[16] The amendment (section 7 of the act) is as follows: "And be it further enacted, that in order to aid in the construction of said Central Railroad from the mouth of the Ohio River to the City of Mobile, all the rights, privileges and liabilities hereinbefore conferred on the State of Illinois shall be granted to the States of Alabama and Mississippi respectively, for the purpose of aiding in the construction of a railroad from said City of Mobile to a point near the mouth of the Ohio River,

[13] Public Land Commission, pts. i and iv, p. 263.
[14] Cong. Globe, vol. xxi, pt. i, p. 845.
[15] Public Land Commission, pts. ii and iii, p. 180.
[16] Public Land Commission, pts. ii and iii, p. 180.

and that public lands of the United States, to the same extent in proportion to the length of the road, on the same terms, limitations and restrictions in every respect, shall be, and are hereby, granted to said States of Alabama and Mississippi respectively." Under this act and others based upon it as precedent the state of Alabama has received the following amounts of land granted as aid to railroad building:[17]

	ACRES.
Mobile & Ohio, September 20, 1850	419,528.44
Alabama & Florida, May 17, 1856	399,022.84
Selma, Rome & Dalton,[18] June 3, 1856	858,515.98
Alabama & Chattanooga, June 3, 1856	652,966.66
South & North Alabama, June 3, 1856	445,158.78
Mobile & Girard,[19] June 3, 1856	302,181.16
Total	3,077,373.86[20]

The Two and Three Per Cent Funds.—Congress by act providing for the admission of Ohio into the Union declared that[21] "One-twentieth part of the net proceeds of the lands lying within the said state sold by Congress, from and after the thirtieth day of June (1802) . . . . shall be applied to laying out and making public roads leading from the navigable waters emptying into the Atlantic to the Ohio, to the said state and through same, such roads to be laid out under the authority of Congress, with the consent of the several states through which the road shall

[17] Taken from Report of Secretary of Public Lands, 1897. House Documents, vol. xii, p. 225. Amounts indicate the number of acres granted up to June 30, 1897.

[18] The original act made the grant to aid the Alabama and Tennessee Railroad; a later act transferred the lands to the Selma, Rome and Dalton road.

[19] The original grant carried 504,145.86 acres, but owing to forfeitures this was reduced to the above amount by an adjustment made April 24, 1893.

[20] In addition to this, 67,784.96 acres were granted Alabama for the Coosa and Tennessee road. Of the construction of the road there was no evidence found in the General Land Office up to 1897 and the grant is supposed to have lapsed.

[21] Statutes at Large, vol. ii, p. 173, April 30, 1802.

pass." All public lands in Ohio were to be exempt from taxation by the state for a term of five years from the date of their purchase by settlers and this five per cent of the land sales was offered as one of the items of compensation to the state for this relief given to her immigrants. The people of Ohio in accepting the terms for her admission requested that three-fifths of this fund might be applied to making roads within her borders under the control and supervision of the State Legislature, while the remaining two-fifths was to be expended by Congress in making roads leading to the state. This proposal was accepted by Congress and found expression in the modified act for Ohio's admission into the Union.[22] Thus originated the custom according to which so many of our states, upon their admission, were given their "two and three per cent funds" on the same condition under which Ohio received hers. On March 2, 1819, Congress passed the act providing for the admission of Alabama into the Union. Under this law five per cent of the net proceeds of the lands lying within the territory of Alabama and sold by Congress from and after the first day of September, 1819, was "reserved for making public roads, canals, and improving the navigation of rivers" three-fifths to be applied within the state under the direction of the State Legislature "and two-fifths to the making of a road or roads leading to the said state under the direction of Congress."[23] Thus originated what was designated the "two and three per cent fund" and which was the subject of so much discussion and controversy in the history of Alabama's legislation. Congress constructed no road leading to the state and up to September 4, 1841, no disposition had been made of the two per cent fund. On that date Congress passed an act[24] relinquishing this fund to the state of

[22] Act of March 3, 1803, Statutes at Large, vol. ii, p. 225.
[23] Statutes at Large, vol. 3, p. 491.
[24] Statutes at Large, vol. v, p. 457, sec. 17.

Alabama on condition that the fund should be "faithfully applied under the direction of the Legislature of Alabama, to the connection by some means of internal improvement, of the navigable waters of the Bay of Mobile with the Tennessee River, and to the construction of a continuous line of internal improvements from a point on the Chattahoochee River opposite West Point, in Georgia, across the state of Alabama, in a direction to Jackson in the state of Mississippi." The terms were accepted and the state became thus the sole trustee for both funds. The Legislature by act of December 10, 1823, invested the three per cent fund in the State Bank of Alabama, making it an integral part of the capital of that institution and only $135,000[36] was expended in efforts at internal improvements. With the failure of the bank the whole of the fund was lost. In 1859 a joint Committee from the two Houses of the Assembly reported that the state of Alabama as trustee was responsible for all moneys which had been received, together with interest at six per cent, from the dates upon which the amounts had been paid by the United States. According to this view the state owed to this three per cent fund $858,498. With this report the Legislature concurred. The amount assumed by the state as her indebtedness to the fund, was distributed, as loans, to various railroad enterprises as follows.[37]

North East and South West Railroad Co.....	$218,135.00
Wills Valley Railroad Co.....	75,000.00
Selma and Gulf Railroad Co.....	40,000.00
Cahaba, Marion and Greensboro Railroad Co...	25,000.00
Opelika and Oxford Railroad Co.....	50,000.00
Montgomery and Eufaula Railroad Co.....	30,000.00
Tennessee and Coosa Railroad Co.....	195,363.00
Alabama and Tennessee River Railroad Co.....	225,000.00
Total	$858,498.00

[36] Acts 1837-39. Spent on rivers in the state, as detailed in the previous chapter.

[37] By Act approved February 18, 1860.

[37] Auditor's Report, October 12, 1869.

These loans were to bear interest at the rate of six per cent and were secured by bonds. By act of December 30, 1868, the "South and North Alabama Railroad Co." was given the entire fund. All the bonds, securities and obligations belonging to this fund were transferred to the company, and the state was released from all liabilities, and control over the fund passed to this railroad as sole beneficiary.

The two per cent fund passed to state control in 1841 under the conditions which have been already given. From this fund loans were made as follows:[28]

Montgomery and Eufaula Railroad, March 1, 1845	$116,782.64
Marengo Plank Road Co., December 13, 1853	9,477.47
Alabama and Mississippi Rivers Railroad Co., Feb. 27, 1855	28,963.72
Alabama and Mississippi Rivers Railroad Co., Feb. 15, 1858	23,178.74
Total	$178,402.57

The above amounts contributed to the completion of the East and West line of internal improvements across the state.

Alabama and Tennessee River Railroad, May 3, 1851	$ 65,961.73
Alabama and Tennessee River Railroad, May 5, 1852	62,179.83
Alabama and Tennessee River Railroad, April 26, 1855	17,726.47
Alabama and Tennessee River Railroad, Feb. 15, 1858	23,178.78
Tennessee and Coosa River Railroad Co., Feb. 15, 1856	33,513.25
Total	$202,560.06

These amounts contributed to the completion of that plan so long discussed and cherished by the people of Alabama—the connection of North and South Alabama by some line of transportation. Thus, too, were fulfilled the conditions upon which the two per cent fund was surrendered by Congress to state control. By act of December 30, 1868, the South and North Alabama Railroad was declared the beneficiary of the two and three per cent funds.

[28] Auditor's Report, October 12, 1869.

The greater portion of this two per cent fund was now in the hands of various railroad companies to whom loans had been made for the purpose of encouraging the several railroad projects throughout the state. In accordance with this act of 1868 the bonds and securities executed by these railroad companies were delivered to the "South and North Alabama Railroad Co." and were as follows:

North East and South West Alabama Railroad Co.....	$306,468.00
Wills Valley Railroad Co.....	87,375.00
Alabama and Mississippi Railroad Co.....	66,500.00
Montgomery and Eufaula Railroad Co.....	36,051.84
Opelika and Oxford Railroad Co.....	66,500.00
Cahaba, Marion and Greensboro Railroad Co.....	38,611.75
Total	$601,506.59[20]

Thus the bulk of the "two and three per cent fund" was bestowed upon the "South and North Alabama Railroad." This road was put in operation in 1872. It connects Decatur, Alabama, on the Tennessee, with Montgomery, on the Alabama River. The road has one hundred and eighty-five miles[20] of track and is now operated as a part of the Louisville and Nashville system.[21]

State Aid: Policy Prior to Civil War.

In 1832-3 was constructed the first railroad in Alabama. This road ran from Decatur to Tuscumbia.[22] This was followed by the construction of the Western Railroad from Selma by Montgomery to the eastern boundary of Alabama, the second line of the state. From this time an interest in railroad building grew apace, and there developed a strong feeling among the people that the state should render some positive aid towards improvements of this character.[23] Various obstacles, however, prevented

[20] Auditor's Report, October 12, 1869.
[20] Berney's Hand-Book of Alabama, p. 385.
[21] Report of the Alabama Railroad Commissioners, 1898.
[22] Brewer: History of Alabama.
[23] Governor's Message of November, 1834, November, 1835, November, 1836, December, 1839.

this feeling from finding expression in any legislative acts. In 1851 the Committee on Internal Improvements made their report to the Legislature of Alabama in which the policy of the state was reviewed as follows:

"The history of Alabama from the first of the state to the present period exhibits not one serious effort on the part of the Legislature to advance the great interests of agriculture, commerce or manufactures, which by the form of our government are subjected to its protection and control. Other states are rich because they are old, but our destiny seems to be to grow old and poor together. The caravan of the emigrant tells the fate of a young state falling into premature decay and deserted for fresher lands which in time will probably be doomed to the same fate." The state, it is urged, must do something to "consolidate her northern and southern sections," she must give her citizens an "access to market," that her people become "anchored to the soil" and lose their "desire for wandering to the Far West." [84] The report mentioned the fact that other states were forging ahead in such works. To items of internal improvement Virginia had recently subscribed eight million dollars; Maryland five millions; New York three millions as a bonus to one enterprise alone, the Erie Railroad; Massachusetts six millions; Missouri two millions to the St. Louis and Pacific Railroad; Tennessee one million three hundred thousand loaned to the Chattanooga Railroad; Georgia three and a half millions to one road. The report urged that Alabama should enlist in aiding similar enterprises and recommended that the existing Legislature endorse railroad bonds to the extent of two million dollars. Regardless of this enthusiastic appeal the Legislature would not commit the state to a positive policy of internal improvements. Several causes may be assigned as explaining the persistent lethargy or conservatism on

[84] Report of F. Phillipps, Chairman of Committee on Internal Improvements: House Journal, 1851-52.

the part of the state. In the first place the state's finances had not yet recovered from the collapse which came with the failure of her bank; taxation was still high, the people were sensitive to every touch of the tax-gatherer and many of them stood ready to oppose any measure which threatened a higher tax rate. Again the management and success of the old state bank had not been of such a nature as to inspire confidence in the integrity or ability of the state as an undertaker. Those who opposed the policy of state aid used this as one of their strongest arguments, reminding the people very effectively that the state's past record as an *entreprenneur* was one not altogether glorious. A third cause may be found in the fact that there was a strong element in the population of Alabama which was restless, roving, shifting, and actuated by a spirit of exploitation rather than development, not feeling sure that they were permanently located, but thinking of the more distant West as the place of final destination.[28] This element acted as a check to the spirit of internal improvements; for a system of such works, whose completion will require an extended period of time, and whose fruits must be reaped at some future date, will be advocated only by those who feel themselves permanently at home and deeply rooted to the soil. There are traces also of sectional jealousies creating friction and retarding legislation. Finally Alabama was proverbially of the "strict construction" school; many of her leading statesmen firmly adhered to the principle that taxation should only be employed for carrying on government and that the promotion of works of internal improvements should be left to private capital. In 1853 the subject of state aid to railroads was made one of the issues of the state's political campaign.[29] John

[28] In 1845-47 there was a strong tide of emigration from Alabama to Texas. In 1846 Monroe County alone is said to have thus lost 1500 of her inhabitants. Lyell: Travels in the United States, vol. ii, pp. 55-65.

[29] Garnett: Reminiscences, pp. 577, 580-82.

A. Winston planted himself firmly on the side of opposition to public aid and was the successful candidate for Governor. In his inaugural address on December 20, 1853, he declared his unwillingness that the state should engage in works of internal improvement, or become security for such, until the whole public debt should be paid. During this session of the Legislature this question was one of the chief topics of discussion. The spirit of conservatism, however, again prevailed and the Governor's views were sustained. The election in 1855, showed that the policy of the administration was highly endorsed by the people: Governor Winston was reelected by a large majority, having received the largest popular vote that had ever been cast in the state for any candidate for the Executive.[37] The Legislature which met in the following December came fully determined to launch the state into a policy of public aid to railroads. The Governor was more determined that such a principle should not be established, and by his frequent exercise of the veto power he became known as the "Veto Governor" of Alabama. During this session of the Legislature he returned, without his approval, thirty-three bills which carried loans or other advantages to railroads. In vetoing one of these bills,[38] the Governor expressed his views at some length and assigns the following reasons for withholding his approval: (1) By the bill the tax-payers of Limestone County, many of them without consenting, will be forced to become stockholders in a private corporation. "Many able jurists and profound statesmen are firm in the conviction that such a forced law, or investment, is unwarranted by the constitution or by any legitimate influence from the principles of our government." The bill cannot be justi-

[37] Garnett: Reminiscences, p. 616.

[38] The bill was to enable Limestone County to subscribe $200,000 to the capital stock of the "Tennessee and Alabama Central Railroad Co." and was passed over the Governor's veto on December 14, 1855. Acts of Alabama.

fied by precedent, for to the enlightened statesman belongs "the duty of correcting errors, which, though consecrated by centuries of toleration and backed and propped by a thousand precedents, are but errors still."

(2) It is better "that the construction of railroads, as well as all other improvements of supposed public utility be left to the slower and safer details of interest, rather than resort to the doubtful power of making the people involuntary builders." The objects, "few and simple," of our government are to "protect every man in the legal pursuit of wealth and happiness and in the enjoyment of the fruits of his own labors." This proposition defeats such objects, it opens the door to "anarchy and to the legislative and judicial confiscation of the labor and property of the individual for the use of others. It is an act of legislative usurpation, and destructive of a government founded on justice." Thus deeming the measure both inexpedient and unconstitutional he was assured that his disapproval would be vindicated both by results and by popular approval.[39] Again on January 9, 1856,[40] he reiterated the doctrine that "the only purpose for which the government has a right to tax is to carry on the affairs of the government and to pay obligations already existing. The experience of Alabama is fruitful of the bitter consequence of making expediency paramount to principle. The proposition to use the credit of the state to promote the pecuniary interests of any class of citizens has, almost without any opposition, been pronounced against by the people of Alabama;" for he had been elected to the Executive with the "full understanding" that he would not "sanction any measure using or pledging the credit of the state for any purpose whatever." Again, there was no money in the Treasury available for loans to railroads unless the bills of the old state bank and branches be

[39] Message of December 13, 1855. House Journal, p. 162.
[40] Senate Journal, p. 146.

reissued. To reissue these bills of banks long since put in liquidation would be an unconstitutional measure[41] and would result in giving the state a depreciated currency, a policy most ruinous to financial interests. Regardless of the Governor's firm opposition and over his unequivocal vetoes laws were passed granting loans to railroads as follows:

Alabama and Tennessee Rivers Railroad Co., January 21, 1856 ..... $200,000.00
Memphis and Charleston Railroad Co., January 21, 1856 300,000.00

The acts provided that the loans should be secured by first mortgage interest bearing bonds and also by "personal securities to be approved by the Governor." The impression prevailed that the Governor had little confidence in the solvency of railroad companies and that he would be rather exacting in applying the "personal security" clause. At any rate the loans were never called for before later acts[42] repealed the laws authorizing such loans. Governor Winston in his annual message of 1857 rather congratulated himself upon the prosperity and success which had resulted from the triumph of the policy to which he had persistently adhered. "By a firm and steady course of patient endurance and economy, the greater portion of an enormous debt incurred by financial empirics and a departure from the legitimate purposes of government has been liquidated; and the credit of Alabama not only sustained untarnished, but restored to that high position which it should be our first duty to maintain for it. By a steady resistance to the policy of over-zealous enthusiasts and interested incorporations, we have

[41] The position was held that it would now be the state issuing "bills of credit" since the banks were in process of liquidation. Up to this time, however, the bills had continued in use and no serious objection had been raised, though the constitutionality of the practice had been often questioned. U. S. Constitution: Art. i, Section 10.

[42] Passed February 6, 1858.

been enabled to avoid that load of responsibility and debt which has been incurred by older and greater states, and which for generations must rest upon their people and retard their progress. The correctness of the principle of an entire separation of state from private enterprises and speculations, and leaving to individual energy and private capital the construction of such works as the facilities of commerce may require, is being established by time and the experience of other states, to such a degree as to give us abundant cause for congratulation that we have been able to resist a popular error, though subjecting ourselves to the taunts and reproaches of those who adopted a different policy. It is well for states and individuals to be behind the spirit of the age when that spirit impels us only to embarrassment and bankruptcy. When we see works of magnificent extent and grandeur, constructed at a cost almost too great for belief pronounced, as state works, failures, and thrown upon the market for the purpose of relieving the people of the expense of keeping them up, we have abundant cause to be thankful that we are not in a like predicament, and that we took warning in time." The people of other states were burdened with taxation to support works which they had been persuaded would give relief from all taxes and "furnish the revenue for the carrying on of the state government." "The constitution," he continued "gives no power to tax the masses that any particular class or interest may be advanced. The only just object of taxation is to meet the wants of government, economically administered, and to secure the ends of public justice. Whenever a government extorts more than is absolutely necessary for these purposes it becomes an oppression."

"The first duty of the state is to pay what she now owes and then avoid the accumulation of any surplus by a speedy reduction in the rate of taxation. The loans granted the several railroad companies, by acts of the last Legislature, have not been called for; and had application

been made it would have been in vain on account of lack of funds, and to have re-emitted the bills or notes of the old state banks, long since in liquidation would have been violating the Constitution of the United States."[43] Thus subsided the strongest wave of enthusiasm that had yet made for state aid to internal improvements in Alabama. This, too, was the last effort made prior to the Civil War to launch the state into such a policy.

State Aid: Since the Civil War.—In 1867 the agitation was renewed and Alabama, for the first time in her history, adopted a policy of public aid to railroad building. During the session of 1866-7 the Legislature passed an "Act to establish a system of internal improvements in the State of Alabama." The act declared that "whenever any railroad company now incorporated by the General Assembly of the state of Alabama, should have finished, completed and equipped twenty continuous miles of road at either or both ends of the road it should be the duty of the Governor of the state, and he is hereby required to endorse, on the part of the state, the first mortgage bonds of the said railroad company to the extent of twelve thousand dollars per mile for that portion thus finished, completed and equipped, and when a second section of twenty miles is finished, completed and equipped, it shall be the duty of the Governor, and he is hereby required to endorse the first mortgage bonds of the said railroad company, upon the presentation of said mortgage bonds by said company, to the extent of twelve thousand dollars per mile for the second section of twenty miles, and this rate and extent of endorsement shall be continuous upon the same condition for each subsequent section of twenty miles until said railroad is completed." On August 7, 1868[44] the above act was amended. After the completion of the first twenty miles the bonds should be endorsed as under the

[43] House Journal, p. 18, Session 1857-58.
[44] Acts of Alabama, 1865, p. 17.

original act, "and when a second section of five miles is finished, completed and equipped it shall be the duty of the Governor and he is hereby required to endorse the first mortgage bonds of said railroad company to the extent of twelve thousand dollars per mile for the second section of five miles, and this rate and extent of endorsement shall be continued upon the same condition for each subsequent section of five miles, until said road is completed."[45] In 1868 William H. Smith, the Provisional Governor of the state, in his message to the Legislature reviewed the policy of the state toward internal improvements under the old regime, and suggests that more progressive measures be adopted in the future. "The same system of labor which imposed ignorance heretofore upon the masses of the community led our law makers to neglect the elements of wealth with which Alabama is blessed beyond almost any other state—to change our policy in regard to these interests, to foster every enterprise that seeks to develop the natural wealth of the state and attract hither a great portion of the great tide of the foreign immigration as well as of the skilled laborers and capital of the North will be a pleasant and profitable task, and will doubtless engage your early and earnest attention."[46] The legislative halls were thus filled with that spirit of progress which was born in the first flushes of the new regime. There are evidences, too, that some of the members were peculiarly susceptible to those mercenary influences which have been quite potent in the legislative history of so many of our states when dealing with large corporate interests. A plan yet more positive was adopted by act approved September 22, 1868. The rate, or extent, of endorsement was now increased to sixteen thousand dollars per mile. After the completing and equipment of the first twenty miles the first bonds should be endorsed and the endorsement should be repeated at the completion

[45] Acts of Alabama, 1868, p. 198.
[46] Governor's Message, July 14, 1868.

of each subsequent five mile section. At this session of the Legislature was also passed "an Act to authorize the several counties and towns and cities of the State of Alabama to subscribe to the capital stock of such railroads throughout the state as they may consider most conducive to their respective interests."[47] The question of "Subscription" or "No subscription" was to be determined by the vote of "qualified electors" of the counties and towns whenever the president and directors of a railroad company should signify to the authorities (county commissioners, or mayors of municipalities) their desire to obtain loans on subscriptions to stock; then the said authorities were to order elections to be "conducted in the same manner and by the same officers as are now provided by law." If the vote should declare for "No subscription" it is declared lawful for the authorities to order a second election if the interested railroad company should make another application within twelve months. If a majority of the qualified voters declare for "Subscription" then bonds, to the extent of the amount voted, are required to be issued to the company in exchange for certificates of stock. The interest on the bonds is to be met by a tax levied and assessed by county commissioners or municipal authorities. The latter were given full power of procedure against the "tax-assessors and collectors and their sureties" for the amount of said taxes which they might fail or refuse to assess and collect. To put these loans or subscriptions on a firm basis the Legislature, by act approved March 1, 1870,[48] "legalized, ratified and confirmed in all respects" all acts and things of every kind heretofore done and performed in this state for railroad purposes, in substantial compliance with the provisions of the act of December 31, 1868. Under this act of 1868 many of the counties and municipal localities

[47] Acts of Alabama, 1868, p. 514.
[48] Acts of Alabama, 1869-70, p. 286.

in Alabama became liberal subscribers to railroad enterprises and incurred debts from which many have not even yet succeeded in extricating themselves, and no dividends have, as a rule, accrued to the shares owned in the railroad stocks.

The above loans authorized to be made by the state were to be secured by "first mortgage bonds." In 1869 the State Auditor referred to the fact that the value of roads which had secured loans, including all main and side tracks, all rolling stock, in fact, "everything that could be embraced by a first mortgage bond," was less than thirteen thousand dollars per mile, "full, fair and just valuation as per affidavits of the Presidents and Secretaries of the roads." He emphasizes the danger threatening the state from making loans at the rate of sixteen thousand dollars per mile, and urges that the law should be repealed.[49] Governor Smith, though an enthusiast for state aid, thought the law was too broad, and forced the state to aid in constructing local schemes of rival and jealous communities. As no end to the loans was in sight he recommended that the law be repealed.[50] The Legislature, however, did not concur in this view. "The railroads again triumph in the struggle. It is not my province to inquire how that triumph was effected," said Governor Lindsay in referring to the proceedings of this body.[51]

The general endorsement system was re-enacted,[52] and additional and special aid was granted to four railroads as follows:

South & North Alabama Railroad Company, $6,000 per mile added to former endorsement, thus making $22,000 per mile for this road.[53]

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[49] Auditor's Report, October 1, 1869.
[50] Message of Governor, November 16, 1869.
[51] Message of Governor Lindsay, January 24, 1871.
[52] Act approved by Governor Smith, February 21, 1870. Acts of Alabama, 1869-70, p. 149.
[53] March 3, 1870, Ibid., p. 374.

Alabama & Chattanooga Railroad Company, granted a loan of $2,000,000,[54] this in addition to the endorsement already made by the state.

Montgomery & Eufaula Railroad Company, granted a loan of $300,000 in addition to the regular endorsement of $16,000 per mile.[55]

Mobile & Montgomery Railroad Company, Governor to endorse on the part of the state bonds to the extent of $2,500,000.[56]

In his message of January 24, 1871, Governor Lindsay informed the Legislature that it was impossible to ascertain "to what extent bonds under the various statutes have been endorsed and issued by the state. Neither in the executive office, nor in any other office of the government, can be found a record of the action of the executive in this regard. I have no knowledge of the form of the bonds, except those of the Montgomery & Mobile and of the Montgomery & Eufaula Railroads; and, unless from rumors or unofficial information, I cannot even suppose the number of bonds endorsed to any company, the time when and where payable, or whether endorsed or issued according to law."[57] In this state of confusion the finances of Alabama remained until final adjustment was made during the administration of Governor S. Houston. The latter, on December 7, 1874, in a message to the Legislature,[58] recommended the enactment of a law providing for the ascertaining and final adjustment of the state's indebtedness. In practical conformity to the plan there suggested, the Legislature passed an act[59] authorizing the Governor to act as an "ex-officio member," with two others whom he should appoint, of a "board of commissioners,"

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[54] February 25, 1870, Ibid., p. 175.
[55] March 3, 1870, Ibid., p. 376.
[56] February 25, 1870, Ibid., p. 175.
[57] House Journal, 1870-71.
[58] Senate Journal, 1874-75, p. 106.
[59] Approved December 17, 1874. Acts of Alabama, 1874-75, p. 102.

whose duty it should be to "ascertain, liquidate and adjust the subsisting legal liabilities of the State of Alabama" the adjustment and settlement to be "approved and ratified by the General Assembly" before it becomes binding on the state. Levi W. Lawler and T. B. Bethea were appointed by Governor Houston and with him constituted the Board of Commissioners by which the settlement was finally arranged with the railroad companies.

The Commissioners, after having been engaged about twelve months in this work, submitted their report[80] to the Legislature on January 24, 1876. Owing to the incompleteness of the records of the bonds issued and endorsed, the Commissioners addressed inquiries to the bondholders through papers published in Alabama, New York and London. All creditors of the state were requested to present their claims for adjustment. It was thus ascertained that the indebtedness of the state was $30,037,563, an amount "equal to one-fifth of all the property of the people" of the state.[81] Of this amount a large share was incurred in the interest of railroad building, and was distributed as follows:[82]

Alabama and Chattanooga Railroad[83]	$7,300,000.00
Selma, Marion and Memphis	765,000.00
New Orleans and Selma	320,000.00
Selma and Gulf	640,000.00
East Alabama and Cincinnati	400,000.00
Montgomery and Eufaula[84]	1,580,000.00
Savannah and Memphis	142,000.00
	$11,147,000.00
Unpaid interest due on these bonds to January 24, 1876	$3,474,000.00
	$14,621,000.00

[80] Senate Journal, 1875-76, p. 202-32.
[81] Ibid., p. 218. [82] Ibid., p. 214.
[83] Endorsed bonds $5,300,000 plus $2,000,000 straight bonds. The endorsed bonds exceeded by $580,000 the maximum amount authorized by any possible construction of the laws.
[84] Endorsed bonds $1,280,000 plus $300,000 straight bonds.

In addition to this amount, straight seven per cent interest-bearing bonds were held by the following railroads:[65]

South and North Alabama	$ 732,000.00
Grand Trunk	220,000.00
Savannah and Memphis	204,000.00
	$1,156,000.00

We thus have an indebtedness of $15,777,000.00 to be adjusted by the Commissioners. The latter in their report recommend the following plan of adjustment: For the $5,300,000.00 endorsed bonds of the Alabama & Chattanooga Railroad were to be issued $1,000,000.00 in "new state direct bonds," bearing interet at four per cent and maturing in thirty years from their date. The $2,000,000.00 of "straight" bonds loaned to the Alabama and Chattanooga Railroad were to be returned and delivered to the state of Alabama, and in exchange for these bonds the state should surrender all bonds and mortgages held against the road. Thus Alabama was to relinquish all claims to lands[66] and all other property belonging to the road, and in return was to be released from all liabilities to the road except the $1,000,000.00 new bonds to be issued.[67]

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[65] An act of April 21, 1873 (Acts of Alabama, 1872-73, p. 45) authorized the Governor to issue these straight bonds at the rate of $4,000 per mile to such roads as would relinquish all their endorsed bonds. Only the above three roads saw fit to make the exchange. These direct bonds of $1,156,000 were received by these roads in exchange for $5,103,000 of endorsed bonds. This latter amount added to the above sum $11,147,000 gives us a total of $16,250,000 of bonds loaned to, and endorsed for the various railroads during this period.

[66] The state held mortgages on the lands donated by the Federal Government for the construction of this road.

[67] These were "the terms of a proposed settlement by way of compromise, arrived at after prolonged discussion" between the Board of Commissioners "and Mr. T. W. Snagge, the standing counsel of the corporation of foreign bondholders, acting under the council of the corporation, to confer with the Governor and other Commissioners." Report of Commissioners, Senate Journal, 1875-76, p. 224.

As to the other five roads for which bonds had been endorsed—(a) Montgomery & Eufaula, (b) East Alabama & Cincinnati, (c) Selma & Gulf, (d) New Orleans & Selma, (e) Selma, Marion & Memphis—the Commissioners report "that there is litigation pending in the courts of this state and Tennessee of an important character, involving points of law that will in all probability very materially change the aspect of what is claimed as the liability of the state upon its endorsement of the bonds of those companies; and we trust may result in convincing the holders of said bonds that their true interest will be best advanced by their acceptance of a transfer of the lien of the state created by statute, and giving to the state a full discharge from these pretended claims against it."[68]

For the $1,156,000.00 direct bonds issued in exchange for the endorsed bonds under the act of April 21, 1873, the report recommended[69] that new bonds be substituted "on the basis of fifty cents in the dollar of the principle of those outstanding, the new bond to have thirty years to run at five per cent per annum." This plan was adopted by the Legislature. An act "to ratify and confirm the settlement of the existing indebtedness of the state, as proposed in the report of the commissioners" was passed, by which the liabilities of the state were reduced to $1,596,000.00,[70] while it left "open for further settlement the liability of the state upon outstanding endorsements for the five other railroad companies" enumerated above.[71] These latter claims were deemed by the state to be invalid and

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[68] Senate Journal, 1875-6, p. 217. [69] Ibid., p. 210.

[70] $1,000,000 in new bonds to be issued to the Alabama and Chattanooga Railroad Company, designated as "class C" plus $596,000, the limit set as the aggregate of the bonds (designated as "class B") to be substituted for these bonds issued under Act of April 21, 1873. Sections vi-vii and ix-x of the act approved Feb. 23, 1876.

[71] Report of the Committee by which the bill was drafted. Senate Journal, 1875-76, p. 319.

were never recognized, though efforts were made for their collection.

Upon the terms of this law settlement has been made as the bonds have been presented for exchange, the process having covered a number of years.[72] On September 30, 1897, there were outstanding of these "B" and "C" bonds $1,544,000.00,[73] which now form a part of the bonded debt of Alabama. By acts approved December 14, 1874, and March 17, 1875, the Legislature repealed the acts which had authorized county and state aid to internal improvements.[74] The constitution of Alabama, which became operative December 6, 1875, forbids the state or "any county, city, town or other subdivision of the state from engaging in, or encouraging works of internal improvement either by loans of money or credit, or by becoming stockholders in such enterprises."[75] And thus ended the last chapter in the history of public aid to internal improvements in Alabama.

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[72] The Auditor's Report (p. 5) of 1893 shows that there had been issued of "class B" $578,000, leaving $18,000 still to be issued; and of "class C" $963,000, leaving $30,000 still to be issued.

[73] "Class B" $578,000; "class C" $966,000. Auditor's Report, 1897, p. 29.

[74] Acts of Alabama, 1874-75, p. 269.

[75] Constitution of Alabama, Article iv, Sections 54-55.